

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO S. 2796**  
**OFFERED BY MR. SHUSTER OF PENNSYLVANIA**

Strike all after the enacting clause and insert the  
following:

**1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

**2 (a) SHORT TITLE.**—This Act may be cited as the  
**3 “Water Resources Development Act of 2000”.**

**4 (b) TABLE OF CONTENTS.**—

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

**TITLE I—WATER RESOURCES PROJECTS**

Sec. 101. Project authorization.

Sec. 102. Small projects for flood damage reduction.

Sec. 103. Small project for bank stabilization.

Sec. 104. Small projects for navigation.

Sec. 105. Small project for improvement of the quality of the environment.

Sec. 106. Small projects for aquatic ecosystem restoration.

Sec. 107. Small project for shoreline protection.

Sec. 108. Small project for snagging and sediment removal.

Sec. 109. Petaluma River, Petaluma, California.

**TITLE II—GENERAL PROVISIONS**

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Sec. 202. Harbor cost sharing.

Sec. 203. Nonprofit entities.

Sec. 204. Rehabilitation of Federal flood control levees.

Sec. 205. Flood mitigation and riverine restoration program.

Sec. 206. Tribal partnership program.

Sec. 207. Native American reburial and transfer authority.

Sec. 208. Ability to pay.

Sec. 209. Interagency and international support authority.

Sec. 210. Property protection program.

Sec. 211. Engineering consulting services.

Sec. 212. Beach recreation.

Sec. 213. Performance of specialized or technical services.

Sec. 214. Design-build contracting.

Sec. 215. Independent review pilot program.

Sec. 216. Enhanced public participation.

Sec. 217. Monitoring.

- Sec. 218. Reconnaissance studies.
- Sec. 219. Fish and wildlife mitigation.
- Sec. 220. Wetlands mitigation.
- Sec. 221. Credit toward non-Federal share of navigation projects.
- Sec. 222. Maximum program expenditures for small flood control projects.
- Sec. 223. Feasibility studies and planning, engineering, and design.
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### TITLE III—PROJECT-RELATED PROVISIONS

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- Sec. 310. Upper Guadalupe River, California.
- Sec. 311. Brevard County, Florida.
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- Sec. 315. Kaskaskia River, Kaskaskia, Illinois.
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- Sec. 317. Cumberland, Kentucky.
- Sec. 318. Lock and Dam 10, Kentucky River, Kentucky.
- Sec. 319. Saint Joseph River, South Bend, Indiana.
- Sec. 320. Mayfield Creek and tributaries, Kentucky.
- Sec. 321. Amite River and tributaries, East Baton Rouge Parish, Louisiana.
- Sec. 322. Atchafalaya Basin Floodway System, Louisiana.
- Sec. 323. Atchafalaya River, Bayous Chene, Boeuf, and Black Louisiana.
- Sec. 324. Red River Waterway, Louisiana.
- Sec. 325. Thomaston Harbor, Georges River, Maine.
- Sec. 326. Breckenridge, Minnesota.
- Sec. 327. Duluth Harbor, Minnesota.
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- Sec. 330. Green Brook Sub-Basin, Raritan River basin, New Jersey.
- Sec. 331. New York Harbor and adjacent channels, Port Jersey, New Jersey.
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- Sec. 333. Times Beach nature preserve, Buffalo, New York.
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- Sec. 338. Bowie County levee, Texas.
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- Sec. 340. Buchanan and Dickenson Counties, Virginia.
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- Sec. 557. Benson Beach, Fort Canby State Park, Washington.
- Sec. 558. Puget Sound and adjacent waters restoration, Washington.
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- Sec. 580. Perchlorate.
- Sec. 581. Abandoned and inactive noncoal mine restoration.
- Sec. 582. Release of use restriction.
- Sec. 583. Comprehensive environmental resources protection.
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- Sec. 601. Comprehensive Everglades restoration plan.
- Sec. 602. Sense of Congress concerning Homestead Air Force Base.

## TITLE VIII—MISSOURI RIVER RESTORATION

- Sec. 701. Definitions.
- Sec. 702. Missouri River Trust.
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- Sec. 704. Administration.
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1 **SEC. 2. DEFINITION OF SECRETARY.**

2 In this Act, the term “Secretary” means the Sec-  
3 retary of the Army.

4 **TITLE I—WATER RESOURCES**  
5 **PROJECTS**

6 **SEC. 101. PROJECT AUTHORIZATION.**

7 (a) PROJECTS WITH CHIEF’S REPORTS.—The fol-  
8 lowing projects for water resources development and con-  
9 servation and other purposes are authorized to be carried  
10 out by the Secretary substantially in accordance with the  
11 plans, and subject to the conditions, described in the re-  
12 spective reports designated in this subsection:

13 (1) BARNEGAT INLET TO LITTLE EGG INLET,  
14 NEW JERSEY.—The project for hurricane and storm  
15 damage reduction, Barnegat Inlet to Little Egg  
16 Inlet, New Jersey: Report of the Chief of Engineers  
17 dated July 26, 2000, at a total cost of \$51,203,000,  
18 with an estimated Federal cost of \$33,282,000 and  
19 an estimated non-Federal cost of \$17,921,000.

20 (2) PORT OF NEW YORK AND NEW JERSEY,  
21 NEW YORK AND NEW JERSEY.—

22 (A) IN GENERAL.—The project for naviga-  
23 tion, Port of New York and New Jersey, New  
24 York and New Jersey: Report of the Chief of  
25 Engineers dated May 2, 2000, at a total cost  
26 of \$1,781,235,000, with an estimated Federal

1 cost of \$738,631,000 and an estimated non-  
2 Federal cost of \$1,042,604,000.

3 (B) CREDIT.—The Secretary may provide  
4 the non-Federal interests credit toward cash  
5 contributions required—

6 (i) before, during, and after construc-  
7 tion for planning, engineering and design,  
8 and construction management work that is  
9 performed by the non-Federal interests  
10 and that the Secretary determines is nec-  
11 essary to implement the project; and

12 (ii) during and after construction for  
13 the costs of the construction that the non-  
14 Federal interests carry out on behalf of the  
15 Secretary and that the Secretary deter-  
16 mines is necessary to implement the  
17 project.

18 (b) PROJECTS SUBJECT TO FINAL REPORT.—The  
19 following projects for water resources development and  
20 conservation and other purposes are authorized to be car-  
21 ried out by the Secretary substantially in accordance with  
22 the plans, and subject the conditions, recommended in a  
23 final report of the Chief of Engineers if a favorable report  
24 of the Chief is completed not later than December 31,  
25 2000:

1           (1) FALSE PASS HARBOR, ALASKA.—The  
2       project for navigation, False Pass Harbor, Alaska,  
3       at a total cost of \$15,164,000, with an estimated  
4       Federal cost of \$8,238,000 and an estimated non-  
5       Federal cost of \$6,926,000.

6           (2) UNALASKA HARBOR, ALASKA.—The project  
7       for navigation, Unalska Harbor, Alaska, at a total  
8       cost of \$20,000,000, with an estimated Federal cost  
9       of \$12,000,000 and an estimated non-Federal cost  
10      of \$8,000,000.

11          (3) RIO DE FLAG, FLAGSTAFF, ARIZONA.—The  
12      project for flood damage reduction, Rio de Flag,  
13      Flagstaff, Arizona, at a total cost of \$24,072,000,  
14      with an estimated Federal cost of \$15,576,000 and  
15      an estimated non-Federal cost of \$8,496,000.

16          (4) TRES RIOS, ARIZONA.—The project eco-  
17      system restoration, Tres Rios, Arizona, at a total  
18      cost of \$99,320,000, with an estimated Federal cost  
19      of \$62,755,000 and an estimated non-Federal cost  
20      of \$36,565,000.

21          (5) LOS ANGELES HARBOR, CALIFORNIA.—The  
22      project for navigation, Los Angeles Harbor, Cali-  
23      fornia, at a total cost of \$153,313,000, with an esti-  
24      mated Federal cost of \$43,735,000 and an esti-  
25      mated non-Federal cost of \$109,578,000.



1           (6) MURRIETTA CREEK, CALIFORNIA.—The  
2       project for flood damage reduction and ecosystem  
3       restoration, Murrietta Creek, California, described  
4       as alternative 6, based on the District Engineer's  
5       Murrietta Creek feasibility report and environmental  
6       impact statement dated October 2000, at a total  
7       cost of \$89,850,000, with an estimated Federal cost  
8       of \$57,735,000 and an estimated non-Federal cost  
9       of \$32,115,000. The locally preferred plan described  
10      as alternative 6 shall be treated as a final favorable  
11      report of the Chief Engineer's for purposes of this  
12      subsection.

13          (7) SANTA BARBARA STREAMS, LOWER MISSION  
14      CREEK, CALIFORNIA.—The project for flood damage  
15      reduction, Santa Barbara streams, Lower Mission  
16      Creek, California, at a total cost of \$18,300,000,  
17      with an estimated Federal cost of \$9,200,000 and  
18      an estimated non-Federal cost of \$9,100,000.

19          (8) UPPER NEWPORT BAY, CALIFORNIA.—The  
20      project for ecosystem restoration, Upper Newport  
21      Bay, California, at a total cost of \$32,475,000, with  
22      an estimated Federal cost of \$21,109,000 and an es-  
23      timated non-Federal cost of \$11,366,000.

24          (9) WHITEWATER RIVER BASIN, CALIFORNIA.—  
25      The project for flood damage reduction, Whitewater

1 River basin, California, at a total cost of  
2 \$27,570,000, with an estimated Federal cost of  
3 \$17,920,000 and an estimated non-Federal cost of  
4 \$9,650,000.

5 (10) DELAWARE COAST FROM CAPE HENLOPEN  
6 TO FENWICK ISLAND.—The project for hurricane  
7 and storm damage reduction, Delaware Coast from  
8 Cape Henlopen to Fenwick Island, at a total cost of  
9 \$5,633,000, with an estimated Federal cost of  
10 \$3,661,000 and an estimated non-Federal cost of  
11 \$1,972,000.

12 (11) PORT SUTTON, FLORIDA.—The project for  
13 navigation, Port Sutton, Florida, at a total cost of  
14 \$6,000,000, with an estimated Federal cost of  
15 \$4,000,000 and an estimated non-Federal cost of  
16 \$2,000,000.

17 (12) BARBERS POINT HARBOR, HAWAII.—The  
18 project for navigation, Barbers Point Harbor, Ha-  
19 waii, at a total cost of \$30,003,000, with an esti-  
20 mated Federal cost of \$18,524,000 and an esti-  
21 mated non-Federal cost of \$11,479,000.

22 (13) JOHN MYERS LOCK AND DAM, INDIANA  
23 AND KENTUCKY.—The project for navigation, John  
24 Myers Lock and Dam, Indiana and Kentucky, at a  
25 total cost of \$182,000,000. The costs of construction

1 of the project shall be paid  $\frac{1}{2}$  from amounts appro-  
2 priated from the general fund of the Treasury and  
3  $\frac{1}{2}$  from amounts appropriated from the Inland Wa-  
4 terways Trust Fund.

5 (14) GREENUP LOCK AND DAM, KENTUCKY AND  
6 OHIO.—The project for navigation, Greenup Lock  
7 and Dam, Kentucky and Ohio, at a total cost of  
8 \$175,000,000. The costs of construction of the  
9 project shall be paid  $\frac{1}{2}$  from amounts appropriated  
10 from the general fund of the Treasury and  $\frac{1}{2}$  from  
11 amounts appropriated from the Inland Waterways  
12 Trust Fund.

13 (15) OHIO RIVER MAINSTEM, KENTUCKY, ILLI-  
14 NOIS, INDIANA, OHIO, PENNSYLVANIA, AND WEST  
15 VIRGINIA.—Projects for ecosystem restoration, Ohio  
16 River Mainstem, Kentucky, Illinois, Indiana, Ohio,  
17 Pennsylvania, and West Virginia, at a total cost of  
18 \$307,700,000, with an estimated Federal cost of  
19 \$200,000,000 and an estimated non-Federal cost of  
20 \$107,700,000.

21 (16) MONARCH-CHESTERFIELD, MISSOURI.—  
22 The project for flood damage reduction, Monarch-  
23 Chesterfield, Missouri, at a total cost of  
24 \$67,700,000, with an estimated Federal cost of

1       \$44,000,000 and an estimated non-Federal cost of  
2       \$23,700,000.

3           (17) ANTELOPE CREEK, LINCOLN, NE-  
4       BRASKA.—The project for flood damage reduction,  
5       Antelope Creek, Lincoln, Nebraska, at a total cost of  
6       \$49,788,000, with an estimated Federal cost of  
7       \$24,894,000 and an estimated non-Federal cost of  
8       \$24,894,000.

9           (18) SAND CREEK WATERSHED, WAHOO, NE-  
10      BRASKA.—The project for ecosystem restoration and  
11      flood damage reduction, Sand Creek watershed,  
12      Wahoo, Nebraska, at a total cost of \$29,212,000,  
13      with an estimated Federal cost of \$17,586,000 and  
14      an estimated non-Federal cost of \$11,626,000.

15          (19) WESTERN SARPY AND CLEAR CREEK, NE-  
16      BRASKA.—The project for flood damage reduction,  
17      Western Sarpy and Clear Creek, Nebraska, at a  
18      total cost of \$20,600,000, with an estimated Federal  
19      cost of \$13,390,000 and an estimated non-Federal  
20      cost of \$7,210,000.

21          (20) RARITAN BAY AND SANDY HOOK BAY,  
22      CLIFFWOOD BEACH, NEW JERSEY.—The project for  
23      hurricane and storm damage reduction, Raritan Bay  
24      and Sandy Hook Bay, Cliffwood Beach, New Jersey,  
25      at a total cost of \$5,219,000, with an estimated

1 Federal cost of \$3,392,000 and an estimated non-  
2 Federal cost of \$1,827,000.

3 (21) RARITAN BAY AND SANDY HOOK BAY,  
4 PORT MONMOUTH, NEW JERSEY.—The project for  
5 hurricane and storm damage reduction, Raritan Bay  
6 and Sandy Hook Bay, Port Monmouth, New Jersey,  
7 at a total cost of \$32,064,000, with an estimated  
8 Federal cost of \$20,842,000 and an estimated non-  
9 Federal cost of \$11,222,000.

10 (22) DARE COUNTY BEACHES, NORTH CARO-  
11 LINA.—The project for hurricane and storm damage  
12 reduction, Dare County beaches, North Carolina, at  
13 a total cost of \$69,518,000, with an estimated Fed-  
14 eral cost of \$49,846,000 and an estimated non-Fed-  
15 eral cost of \$19,672,000.

16 (23) WOLF RIVER, TENNESSEE.—The project  
17 for ecosystem restoration, Wolf River, Tennessee, at  
18 a total cost of \$10,933,000, with an estimated Fed-  
19 eral cost of \$7,106,000 and an estimated non-Fed-  
20 eral cost of \$3,827,000.

21 (24) DUWAMISH/GREEN, WASHINGTON.—The  
22 project for ecosystem restoration, Duwamish/Green,  
23 Washington, at a total cost of \$115,879,000, with  
24 an estimated Federal cost of \$75,322,000 and an es-  
25 timated non-Federal cost of \$40,557,000.

1           (25) STILLAGUMAISH RIVER BASIN, WASH-  
2           INGTON.—The project for ecosystem restoration,  
3           Stillagumaish River basin, Washington, at a total  
4           cost of \$24,223,000, with an estimated Federal cost  
5           of \$16,097,000 and an estimated non-Federal cost  
6           of \$8,126,000.

7           (26) JACKSON HOLE, WYOMING.—The project  
8           for ecosystem restoration, Jackson Hole, Wyoming,  
9           at a total cost of \$52,242,000, with an estimated  
10          Federal cost of \$33,957,000 and an estimated non-  
11          Federal cost of \$18,285,000.

12 **SEC. 102. SMALL PROJECTS FOR FLOOD DAMAGE REDUC-**  
13 **TION.**

14          (a) IN GENERAL.—The Secretary shall conduct a  
15          study for each of the following projects and, if the Sec-  
16          retary determines that a project is feasible, may carry out  
17          the project under section 205 of the Flood Control Act  
18          of 1948 (33 U.S.C. 701s):

19               (1) BUFFALO ISLAND, ARKANSAS.—Project for  
20          flood damage reduction, Buffalo Island, Arkansas.

21               (2) ANAVERDE CREEK, PALMDALE, CALI-  
22          FORNIA.—Project for flood damage reduction,  
23          Anaverde Creek, Palmdale, California.

24               (3) CASTAIC CREEK, OLD ROAD BRIDGE, SANTA  
25          CLARITA, CALIFORNIA.—Project for flood damage re-

1       duction, Castaic Creek, Old Road bridge, Santa  
2       Clarita, California.

3           (4) SANTA CLARA RIVER, OLD ROAD BRIDGE,  
4       SANTA CLARITA, CALIFORNIA.—Project for flood  
5       damage reduction, Santa Clara River, Old Road  
6       bridge, Santa Clarita, California.

7           (5) COLUMBIA LEVEE, COLUMBIA, ILLINOIS.—  
8       Project for flood damage reduction, Columbia Levee,  
9       Columbia, Illinois.

10          (6) EAST-WEST CREEK, RIVERTON, ILLINOIS.—  
11       Project for flood damage reduction, East-West  
12       Creek, Riverton, Illinois.

13          (7) PRAIRIE DU PONT, ILLINOIS.—Project for  
14       flood damage reduction, Prairie Du Pont, Illinois.

15          (8) MONROE COUNTY, ILLINOIS.—Project for  
16       flood damage reduction, Monroe County, Illinois.

17          (9) WILLOW CREEK, MEREDOSIA, ILLINOIS.—  
18       Project for flood damage reduction, Willow Creek,  
19       Meredosia, Illinois.

20          (10) DYKES BRANCH CHANNEL, LEAWOOD,  
21       KANSAS.—Project for flood damage reduction, Dykes  
22       Branch channel improvements, Leawood, Kansas.

23          (11) DYKES BRANCH TRIBUTARIES, LEAWOOD,  
24       KANSAS.—Project for flood damage reduction, Dykes  
25       Branch tributary improvements, Leawood, Kansas.

1           (12) KENTUCKY RIVER, FRANKFORT, KEN-  
2 TUCKY.—Project for flood damage reduction, Ken-  
3 tucky River, Frankfort, Kentucky.

4           (13) LAKES MAUREPAS AND PONTCHARTRAIN  
5 CANALS, ST. JOHN THE BAPTIST PARISH, LOU-  
6 ISIANA.—Project for flood damage reduction, Lakes  
7 Maurepas and Pontchartrain Canals, St. John the  
8 Baptist Parish, Louisiana.

9           (14) PENNSVILLE TOWNSHIP, SALEM COUNTY,  
10 NEW JERSEY.—The project for flood damage reduc-  
11 tion, Pennsville Township, Salem County, New Jer-  
12 sey.

13           (15) HEMPSTEAD, NEW YORK.—Project for  
14 flood damage reduction, Hempstead, New York.

15           (16) HIGHLAND BROOK, HIGHLAND FALLS,  
16 NEW YORK.—Project for flood damage reduction,  
17 Highland Brook, Highland Falls, New York.

18           (17) LAFAYETTE TOWNSHIP, OHIO.—Project  
19 for flood damage reduction, Lafayette Township,  
20 Ohio.

21           (18) WEST LAFAYETTE, OHIO.—Project for  
22 flood damage reduction, West LaFayette, Ohio.

23           (19) BEAR CREEK AND TRIBUTARIES, MED-  
24 FORD, OREGON.—Project for flood damage reduc-  
25 tion, Bear Creek and tributaries, Medford, Oregon.



1           (20) DELAWARE CANAL AND BROCK CREEK,  
2           YARDLEY BOROUGH, PENNSYLVANIA.—Project for  
3           flood damage reduction, Delaware Canal and Brock  
4           Creek, Yardley Borough, Pennsylvania.

5           (21) FIRST CREEK, FOUNTAIN CITY, KNOX-  
6           VILLE, TENNESSEE.—Project for flood damage re-  
7           duction, First Creek, Fountain City, Knoxville, Ten-  
8           nessee.

9           (22) MISSISSIPPI RIVER, RIDGELY, TEN-  
10          NESSEE.—Project for flood damage reduction, Mis-  
11          sissippi River, Ridgely, Tennessee.

12          (b) MAGPIE CREEK, SACRAMENTO COUNTY, CALI-  
13          FORNIA.—In formulating the project for Magpie Creek,  
14          California, authorized by section 102(a)(4) of the Water  
15          Resources Development Act of 1999 (113 Stat. 281) to  
16          be carried out under section 205 of the Flood Control Act  
17          of 1948 (33 U.S.C. 701s), the Secretary shall consider  
18          benefits from the full utilization of existing improvements  
19          at McClellan Air Force Base that would result from the  
20          project after conversion of the base to civilian use.

21       **SEC. 103. SMALL PROJECTS FOR BANK STABILIZATION.**

22          The Secretary shall conduct a study for each of the  
23          following projects and, if the Secretary determines that  
24          a project is feasible, may carry out the project under sec-

tion 14 of the Flood Control Act of 1946 (33 U.S.C.  
701r):

(1) MAUMEE RIVER, FORT WAYNE, INDIANA.—  
Project for bank stabilization, Maumee River, Fort  
Wayne, Indiana.

(2) BAYOU SORRELL, IBERVILLE PARISH, LOU-  
ISIANA.—Project for bank stabilization, Bayou  
Sorrell, Iberville Parish, Louisiana.

**SEC. 104. SMALL PROJECTS FOR NAVIGATION.**

The Secretary shall conduct a study for each of the  
following projects and, if the Secretary determines that  
a project is feasible, may carry out the project under sec-  
tion 107 of the River and Harbor Act of 1960 (33 U.S.C.  
577):

(1) WHITTIER, ALASKA.—Project for naviga-  
tion, Whittier, Alaska.

(2) CAPE CORAL, FLORIDA.—Project for navi-  
gation, Cape Coral, Florida.

(3) EAST TWO LAKES, TOWER, MINNESOTA.—  
Project for navigation, East Two Lakes, Tower,  
Minnesota.

(4) ERIE BASIN MARINA, BUFFALO, NEW  
YORK.—Project for navigation, Erie Basin marina,  
Buffalo, New York.

1           (5) LAKE MICHIGAN, LAKESHORE STATE PARK,  
2           MILWAUKEE, WISCONSIN.—Project for navigation,  
3           Lake Michigan, Lakeshore State Park, Milwaukee,  
4           Wisconsin.

5           (6) SAXON HARBOR, FRANCIS, WISCONSIN.—  
6           Project for navigation, Saxon Harbor, Francis, Wis-  
7           consin.

8   **SEC. 105. SMALL PROJECT FOR IMPROVEMENT OF THE**  
9                           **QUALITY OF THE ENVIRONMENT.**

10          The Secretary shall conduct a study for a project for  
11          improvement of the quality of the environment, Nahant  
12          Marsh, Davenport, Iowa, and, if the Secretary determines  
13          that the project is appropriate, may carry out the project  
14          under section 1135(a) of the Water Resources Develop-  
15          ment Act of 1986 (33 U.S.C. 2309a(a)).

16   **SEC. 106. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RES-**  
17                           **TORATION.**

18          The Secretary shall conduct a study for each of the  
19          following projects and, if the Secretary determines that  
20          a project is appropriate, may carry out the project under  
21          section 206 of the Water Resources Development Act of  
22          1996 (33 U.S.C. 2330):

23           (1) ARKANSAS RIVER, PUEBLO, COLORADO.—  
24           Project for aquatic ecosystem restoration, Arkansas  
25           River, Pueblo, Colorado.

1           (2) HAYDEN DIVERSION PROJECT, YAMPA  
2 RIVER, COLORADO.—Project for aquatic ecosystem  
3 restoration, Hayden Diversion Project, Yampa  
4 River, Colorado.

5           (3) LITTLE ECONLOCKHATCHEE RIVER BASIN,  
6 FLORIDA.—Project for aquatic ecosystem restora-  
7 tion, Little Econlockhatchee River basin, Florida.

8           (4) LOXAHATCHEE SLOUGH, PALM BEACH  
9 COUNTY, FLORIDA.—Project for aquatic ecosystem  
10 restoration, Loxahatchee Slough, Palm Beach Coun-  
11 ty, Florida.

12           (5) STEVENSON CREEK ESTUARY, FLORIDA.—  
13 Project for aquatic ecosystem restoration, Stevenson  
14 Creek estuary, Florida.

15           (6) CHOUTEAU ISLAND, MADISON COUNTY, IL-  
16 LINOIS.—Project for aquatic ecosystem restoration,  
17 Chouteau Island, Madison County, Illinois.

18           (7) SAGINAW BAY, BAY CITY, MICHIGAN.—  
19 Project for aquatic ecosystem restoration, Saginaw  
20 Bay, Bay City, Michigan.

21           (8) RAINWATER BASIN, NEBRASKA.—Project  
22 for aquatic ecosystem restoration, Rainwater Basin,  
23 Nebraska.

24           (9) CAZENOVIA LAKE, MADISON COUNTY, NEW  
25 YORK.—Project for aquatic ecosystem restoration,

1 Cazenovia Lake, Madison County, New York, includ-  
2 ing efforts to address aquatic invasive plant species.

3 (10) CHENANGO LAKE, CHENANGO COUNTY,  
4 NEW YORK.—Project for aquatic ecosystem restora-  
5 tion, Chenango Lake, Chenango County, New York,  
6 including efforts to address aquatic invasive plant  
7 species.

8 (11) EAGLE LAKE, NEW YORK.—Project for  
9 aquatic ecosystem restoration, Eagle Lake, New  
10 York.

11 (12) OSSINING, NEW YORK.—Project for aquat-  
12 ic ecosystem restoration, Ossining, New York.

13 (13) SARATOGA LAKE, NEW YORK.—Project for  
14 aquatic ecosystem restoration, Saratoga Lake, New  
15 York.

16 (14) SCHROON LAKE, NEW YORK.—Project for  
17 aquatic ecosystem restoration, Schroon Lake, New  
18 York.

19 (15) MIDDLE CUYAHOGA RIVER.—Project for  
20 aquatic ecosystem restoration, Middle Cuyahoga  
21 River, Kent, Ohio.

22 (16) CENTRAL AMAZON CREEK, EUGENE, OR-  
23 EGON.—Project for aquatic ecosystem restoration,  
24 Central Amazon Creek, Eugene, Oregon.

1           (17) EUGENE MILLRACE, EUGENE, OREGON.—  
2       Project for aquatic ecosystem restoration, Eugene  
3       Millrace, Eugene, Oregon.

4           (18) LONE PINE AND LAZY CREEKS, MEDFORD,  
5       OREGON.—Project for aquatic ecosystem restoration,  
6       Lone Pine and Lazy Creeks, Medford, Oregon.

7           (19) TULLYTOWN BOROUGH, PENNSYLVANIA.—  
8       Project for aquatic ecosystem restoration, Tullytown  
9       Borough, Pennsylvania.

10 **SEC. 107. SMALL PROJECT FOR SHORELINE PROTECTION.**

11       The Secretary shall conduct a study for a project for  
12 shoreline protection, Hudson River, Dutchess County,  
13 New York, and, if the Secretary determines that the  
14 project is feasible, may carry out the project under section  
15 3 of the Act entitled “An Act authorizing Federal partici-  
16 pation in the cost of protecting the shores of publicly  
17 owned property”, approved August 13, 1946 (33 U.S.C.  
18 426g; 60 Stat. 1056).

19 **SEC. 108. SMALL PROJECT FOR SNAGGING AND SEDIMENT**  
20 **REMOVAL.**

21       The Secretary shall conduct a study for a project for  
22 clearing, snagging, and sediment removal, Sangamon  
23 River and tributaries, Riverton, Illinois. If the Secretary  
24 determines that the project is feasible, the Secretary may

1 carry out the project under section 2 of the Flood Control  
2 Act of August 28, 1937 (50 Stat. 177).

3 **SEC. 109. PETALUMA RIVER, PETALUMA, CALIFORNIA.**

4 (a) IN GENERAL.—The Secretary shall carry out the  
5 Petaluma River project, at the city of Petaluma, Sonoma  
6 County, California, to provide a 100-year level of flood  
7 protection to the city in accordance with the detailed  
8 project report of the San Francisco District Engineer,  
9 dated March 1995, at a total cost of \$32,227,000.

10 (b) COST SHARING.—Cost sharing for the project  
11 shall be determined in accordance with section 103(a) of  
12 the Water Resources Development Act of 1986 (33 U.S.C.  
13 2213(a)), as in effect on October 11, 1996.

14 (c) REIMBURSEMENT.—The Secretary shall reim-  
15 burse the non-Federal sponsor for any project costs that  
16 the non-Federal sponsor has incurred in excess of the non-  
17 Federal share of project costs, regardless of the date such  
18 costs were incurred.

19 **TITLE II—GENERAL PROVISIONS**

20 **SEC. 201. COST SHARING OF CERTAIN FLOOD DAMAGE RE-**  
21 **DUCTION PROJECTS.**

22 Section 103 of the Water Resources Development Act  
23 of 1986 (33 U.S.C. 2213) is amended by adding at the  
24 end the following:

1       “(n) LEVEL OF FLOOD PROTECTION.—If the Sec-  
2 retary determines that it is technically sound, environ-  
3 mentally acceptable, and economically justified, to con-  
4 struct a flood control project for an area using an alter-  
5 native that will afford a level of flood protection sufficient  
6 for the area not to qualify as an area having special flood  
7 hazards for the purposes of the national flood insurance  
8 program under the National Flood Insurance Act of 1968  
9 (42 U.S.C. 4001 et seq.), the Secretary, at the request  
10 of the non-Federal interest, shall recommend the project  
11 using the alternative. The non-Federal share of the cost  
12 of the project assigned to providing the minimum amount  
13 of flood protection required for the area not to qualify as  
14 an area having special flood hazards shall be determined  
15 under subsections (a) and (b).”.

16 **SEC. 202. HARBOR COST SHARING.**

17       (a) IN GENERAL.—Sections 101 and 214 of the  
18 Water Resources Development Act of 1986 (33 U.S.C.  
19 2211 and 2241; 100 Stat. 4082–4084 and 4108–4109)  
20 are each amended by striking “45 feet” each place it ap-  
21 pears and inserting “53 feet”.

22       (b) APPLICABILITY.—The amendments made by sub-  
23 section (a) shall apply only to a project, or separable ele-  
24 ment of a project, on which a contract for physical con-



1 struction has not been awarded before the date of enact-  
2 ment of this Act.

3 **SEC. 203. NONPROFIT ENTITIES.**

4 (a) ENVIRONMENTAL DREDGING.—Section 312 of  
5 the Water Resources Development Act of 1990 (33 U.S.C.  
6 1272) is amended by adding at the end the following:

7 “(g) NONPROFIT ENTITIES.—Notwithstanding sec-  
8 tion 221 of the Flood Control Act of 1970 (42 U.S.C.  
9 1962d–5b), a non-Federal sponsor for any project carried  
10 out under this section may include a nonprofit entity, with  
11 the consent of the affected local government.”.

12 (b) PROJECT MODIFICATIONS FOR IMPROVEMENT OF  
13 ENVIRONMENT.—Section 1135 of the Water Resources  
14 Development Act of 1986 (33 U.S.C. 2309a) is amended  
15 by redesignating subsection (e) as subsection (f) and by  
16 inserting after subsection (d) the following:

17 “(e) NONPROFIT ENTITIES.—Notwithstanding sec-  
18 tion 221 of the Flood Control Act of 1970 (42 U.S.C.  
19 1962d–5b), a non-Federal sponsor for any project carried  
20 out under this section may include a nonprofit entity, with  
21 the consent of the affected local government.”.

22 (c) LAKES PROGRAM.—Section 602 of the Water Re-  
23 sources Development Act of 1986 (100 Stat. 4148–4149)  
24 is amended by redesignating subsection (d) as subsection  
25 (e) and by inserting after subsection (c) the following:

1       “(d) NONPROFIT ENTITIES.—Notwithstanding sec-  
2       tion 221 of the Flood Control Act of 1970 (42 U.S.C.  
3       1962d–5b), a non-Federal sponsor for any project carried  
4       out under this section may include a nonprofit entity, with  
5       the consent of the affected local government.”.

6       **SEC. 204. REHABILITATION OF FEDERAL FLOOD CONTROL**  
7                               **LEVEES.**

8       Section 110(e) of the Water Resources Development  
9       Act of 1990 (104 Stat. 4622) is amended by striking  
10      “1992,” and all that follows through “1996” and inserting  
11      “2001 through 2005”.

12      **SEC. 205. FLOOD MITIGATION AND RIVERINE RESTORA-**  
13                               **TION PROGRAM.**

14      Section 212(e) of the Water Resources Development  
15      Act of 1999 (33 U.S.C. 2332(e)) is amended—

16              (1) by striking “and” at the end of paragraph  
17              (22);

18              (2) by striking the period at end of paragraph  
19              (23) and inserting a semicolon;

20              (3) by adding at the end the following:

21              “(24) Lester, St. Louis, East Savanna, and  
22              Floodwood Rivers, Duluth, Minnesota;

23              “(25) Lower Hudson River and tributaries,  
24              New York;

1           “(26) Susquehanna River watershed, Bradford  
2           County, Pennsylvania; and

3           “(27) Clear Creek, Harris, Galveston, and  
4           Brazoria Counties, Texas.”.

5   **SEC. 206. TRIBAL PARTNERSHIP PROGRAM.**

6           (a) IN GENERAL.—The Secretary is authorized, in  
7   cooperation with Indian tribes and other Federal agencies,  
8   to study and determine the feasibility of implementing  
9   water resources development projects that will substan-  
10   tially benefit Indian tribes, and are located primarily with-  
11   in Indian country (as defined in section 1151 of title 18,  
12   United States Code), or in proximity to an Alaska Native  
13   village (as defined in, or established pursuant to, the Alas-  
14   ka Native Claims Settlement Act (43 U.S.C. 1601 et  
15   seq.)).

16          (b) CONSULTATION AND COORDINATION.—The Sec-  
17   retary shall consult with the Secretary of the Interior on  
18   studies conducted under this section.

19          (c) CREDITS.—For any study conducted under this  
20   section, the Secretary may provide credit to the Indian  
21   tribe for services, studies, supplies, and other in-kind con-  
22   sideration where the Secretary determines that such serv-  
23   ices, studies, supplies, and other in-kind consideration will  
24   facilitate completion of the study. In no event shall such

1 credit exceed the Indian tribe's required share of the cost  
2 of the study.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
4 authorized to be appropriated to carry out this section  
5 \$5,000,000 for each of fiscal years 2002 through 2006.  
6 Not more than \$1,000,000 appropriated to carry out this  
7 section for a fiscal year may be used to substantially ben-  
8 efit any one Indian tribe.

9 (e) INDIAN TRIBE DEFINED.—In this section, the  
10 term “Indian tribe” means any tribe, band, nation, or  
11 other organized group or community of Indians, including  
12 any Alaska Native village, which is recognized as eligible  
13 for the special programs and services provided by the  
14 United States to Indians because of their status as Indi-  
15 ans.

16 **SEC. 207. NATIVE AMERICAN REBURIAL AND TRANSFER AU-**  
17 **THORITY.**

18 (a) IN GENERAL.—The Secretary, in consultation  
19 with appropriate Indian tribes, may identify and set aside  
20 land at civil works projects managed by the Secretary for  
21 use as a cemetery for the remains of Native Americans  
22 that have been discovered on project lands and that have  
23 been rightfully claimed by a lineal descendant or Indian  
24 tribe in accordance with applicable Federal law. The Sec-  
25 retary, in consultation with and with the consent of the

1 lineal descendant or Indian tribe, may recover and rebury  
2 the remains at such cemetery at Federal expense.

3 (b) TRANSFER AUTHORITY.—Notwithstanding any  
4 other provision of law, the Secretary may transfer to an  
5 Indian tribe land identified and set aside by the Secretary  
6 under subsection (a) for use as a cemetery. The Secretary  
7 shall retain any necessary rights-of-way, easements, or  
8 other property interests that the Secretary determines  
9 necessary to carry out the purpose of the project.

10 (c) DEFINITIONS.—In this section, the terms “Indian  
11 tribe” and “Native American” have the meaning such  
12 terms have under section 2 of the Native American Graves  
13 Protection and Repatriation Act (25 U.S.C. 3001).

14 **SEC. 208. ABILITY TO PAY.**

15 Section 103(m) of the Water Resources Development  
16 Act of 1986 (33 U.S.C. 2213(m)) is amended—

17 (1) by striking paragraphs (1) and (2) and in-  
18 serting the following:

19 “(1) IN GENERAL.—Any cost-sharing agree-  
20 ment under this section for construction of an envi-  
21 ronmental protection and restoration, flood control,  
22 or agricultural water supply project shall be subject  
23 to the ability of a non-Federal interest to pay.

24 “(2) CRITERIA AND PROCEDURES.—The ability  
25 of a non-Federal interest to pay shall be determined

1 by the Secretary in accordance with criteria and pro-  
2 cedures in effect under paragraph (3) on the day be-  
3 fore the date of enactment of the Water Resources  
4 Development Act of 2000; except that such criteria  
5 and procedures shall be revised, and new criteria  
6 and procedures shall be developed, within 180 days  
7 after such date of enactment to reflect the require-  
8 ments of such paragraph (3).”; and

9 (2) in paragraph (3)—

10 (A) by inserting “and” after the semicolon  
11 at the end of subparagraph (A)(ii);

12 (B) by striking subparagraph (B); and

13 (C) by redesignating subparagraph (C) as  
14 subparagraph (B).

15 **SEC. 209. INTERAGENCY AND INTERNATIONAL SUPPORT**  
16 **AUTHORITY.**

17 The first sentence of section 234(d) of the Water Re-  
18 sources Development Act of 1996 (33 U.S.C. 2323a(d))  
19 is amended to read as follows: “There is authorized to be  
20 appropriated to carry out this section \$250,000 per fiscal  
21 year for fiscal years beginning after September 30,  
22 2000.”.

23 **SEC. 210. PROPERTY PROTECTION PROGRAM.**

24 (a) IN GENERAL.—The Secretary is authorized to im-  
25 plement a program to reduce vandalism and destruction

1 of property at water resources development projects under  
2 the jurisdiction of the Department of the Army. In car-  
3 rying out the program, the Secretary may provide rewards  
4 to individuals who provide information or evidence leading  
5 to the arrest and prosecution of individuals causing dam-  
6 age to Federal property, including the payment of cash  
7 rewards.

8 (b) REPORT.—Not later than 4 years after the date  
9 of enactment of this Act, the Secretary shall transmit to  
10 Congress a report on the results of the program.

11 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
12 authorized to be appropriated to carry out this section  
13 \$500,000 per fiscal year for fiscal years beginning after  
14 September 30, 2000.

15 **SEC. 211. ENGINEERING CONSULTING SERVICES.**

16 In conducting a feasibility study for a water resources  
17 project, the Secretary, to the maximum extent practicable,  
18 should not employ a person for engineering and consulting  
19 services if the same person is also employed by the non-  
20 Federal interest for such services unless there is only 1  
21 qualified and responsive bidder for such services.

22 **SEC. 212. BEACH RECREATION.**

23 (a) IN GENERAL.—In studying the feasibility of and  
24 making recommendations concerning potential beach res-  
25 toration projects, the Secretary may not implement any

1 policy that has the effect of disadvantaging any such  
2 project solely because 50 percent or more of its benefits  
3 are recreational in nature.

4 (b) PROCEDURES FOR CONSIDERATION AND RE-  
5 PORTING OF BENEFITS.—Not later than 1 year after the  
6 date of enactment of this Act, the Secretary shall develop  
7 and implement procedures to ensure that all of the bene-  
8 fits of a beach restoration project, including those benefits  
9 attributable to recreation, hurricane and storm damage re-  
10 duction, and environmental protection and restoration, are  
11 adequately considered and displayed in reports for such  
12 projects.

13 **SEC. 213. PERFORMANCE OF SPECIALIZED OR TECHNICAL**  
14 **SERVICES.**

15 (a) IN GENERAL.—Before entering into an agree-  
16 ment to perform specialized or technical services for a  
17 State (including the District of Columbia), a territory, or  
18 a local government of a State or territory under section  
19 6505 of title 31, United States Code, the Secretary shall  
20 certify that—

21 (1) the services requested are not reasonably  
22 and expeditiously available through ordinary busi-  
23 ness channels; and

24 (2) the Corps of Engineers is especially  
25 equipped to perform such services.



1 (b) SUPPORTING MATERIALS.—The Secretary shall  
2 develop materials supporting such certification under sub-  
3 section (a).

4 (c) ANNUAL REPORT TO CONGRESS.—

5 (1) IN GENERAL.—Not later than December 31  
6 of each calendar year, the Secretary shall transmit  
7 to the Committee on Transportation and Infrastruc-  
8 ture of the House of Representatives and the Com-  
9 mittee on Environment and Public Works of the  
10 Senate a report on the requests described in sub-  
11 section (a) that the Secretary received during such  
12 calendar year.

13 (2) CONTENTS.—With respect to each request,  
14 the report transmitted under paragraph (1) shall in-  
15 clude a copy of the certification and supporting ma-  
16 terials developed under this section and information  
17 on each of the following:

18 (A) The scope of services requested.

19 (B) The status of the request.

20 (C) The estimated and final cost of the re-  
21 quested services.

22 (D) Each district and division office of the  
23 Corps of Engineers that has supplied or will  
24 supply the requested services.

1 (E) The number of personnel of the Corps  
2 of Engineers that have performed or will per-  
3 form any of the requested services.

4 (F) The status of any reimbursement.

5 **SEC. 214. DESIGN-BUILD CONTRACTING.**

6 (a) PILOT PROGRAM.—The Secretary may conduct a  
7 pilot program consisting of not more than 5 projects to  
8 test the design-build method of project delivery on various  
9 civil engineering projects of the Corps of Engineers, in-  
10 cluding levees, pumping plants, revetments, dikes, dredg-  
11 ing, weirs, dams, retaining walls, generation facilities,  
12 mattress laying, recreation facilities, and other water re-  
13 sources facilities.

14 (b) DESIGN-BUILD DEFINED.—In this section, the  
15 term “design-build” means an agreement between the  
16 Federal Government and a contractor that provides for  
17 both the design and construction of a project by a single  
18 contract.

19 (c) REPORT.—Not later than 2 years after the date  
20 of enactment of this section, the Secretary shall report on  
21 the results of the pilot program.

22 **SEC. 215. INDEPENDENT REVIEW PILOT PROGRAM.**

23 Title IX of the Water Resources Development Act of  
24 1986 (100 Stat. 4183 et seq.) is amended by adding at  
25 the end the following:

1   **“SEC. 952. INDEPENDENT REVIEW PILOT PROGRAM.**

2       “(a) PROJECTS SUBJECT TO INDEPENDENT RE-  
3 VIEW.—The Secretary shall undertake a pilot program in  
4 fiscal years 2001 through 2003 to determine the practi-  
5 cality and efficacy of having feasibility reports of the  
6 Corps of Engineers for eligible projects reviewed by an  
7 independent panel of experts. The pilot program shall be  
8 limited to the establishment of panels for not to exceed  
9 5 eligible projects.

10       “(b) ESTABLISHMENT OF PANELS.—

11           “(1) IN GENERAL.—The Secretary shall estab-  
12 lish a panel of experts for an eligible project under  
13 this section upon identification of a preferred alter-  
14 native in the development of the feasibility report.

15           “(2) MEMBERSHIP.—A panel established under  
16 this section shall be composed of not less than 5 and  
17 not more than 9 independent experts who represent  
18 a balance of areas of expertise, including biologists,  
19 engineers, and economists.

20           “(3) LIMITATION ON APPOINTMENTS.—The  
21 Secretary shall not appoint an individual to serve on  
22 a panel of experts for a project under this section  
23 if the individual has a financial interest in the  
24 project or has with any organization a professional  
25 relationship that the Secretary determines may con-

1       stitute a conflict of interest or the appearance of im-  
2       propriety.

3           “(4) CONSULTATION.—The Secretary shall con-  
4       sult the National Academy of Sciences in developing  
5       lists of individuals to serve on panels of experts  
6       under this section.

7           “(5) COMPENSATION.—An individual serving on  
8       a panel of experts under this section may not be  
9       compensated but may receive travel expenses, includ-  
10      ing per diem in lieu of subsistence, in accordance  
11      with sections 5702 and 5703 of title 5, United  
12      States Code.

13          “(c) DUTIES OF PANELS.—A panel of experts estab-  
14      lished for a project under this section shall—

15           “(1) review feasibility reports prepared for the  
16      project after the identification of a preferred alter-  
17      native;

18           “(2) receive written and oral comments of a  
19      technical nature concerning the project from the  
20      public; and

21           “(3) transmit to the Secretary an evaluation  
22      containing the panel’s economic, engineering, and  
23      environmental analyses of the project, including the  
24      panel’s conclusions on the feasibility report, with  
25      particular emphasis on areas of public controversy.

1       “(d) DURATION OF PROJECT REVIEWS.—A panel of  
2 experts shall complete its review of a feasibility report for  
3 an eligible project and transmit a report containing its  
4 evaluation of the project to the Secretary not later than  
5 180 days after the date of establishment of the panel.

6       “(e) RECOMMENDATIONS OF PANEL.—After receiv-  
7 ing a timely report on a project from a panel of experts  
8 under this section, the Secretary shall—

9               “(1) consider any recommendations contained  
10 in the evaluation;

11              “(2) make the evaluation available for public re-  
12 view; and

13              “(3) include a copy of the evaluation in any re-  
14 port transmitted to Congress concerning the project.

15       “(f) COSTS.—The cost of conducting a review of a  
16 project under this section shall not exceed \$250,000 and  
17 shall be a Federal expense.

18       “(g) REPORT.—Not later than December 31, 2003,  
19 the Secretary shall transmit to Congress a report on the  
20 results of the pilot program together with the rec-  
21 ommendations of the Secretary regarding continuation,  
22 expansion, and modification of the pilot program, includ-  
23 ing an assessment of the impact that a peer review pro-  
24 gram would have on the overall cost and length of project

1 analyses and reviews associated with feasibility reports  
2 and an assessment of the benefits of peer review.

3 “(h) ELIGIBLE PROJECT DEFINED.—In this section,  
4 the term ‘eligible project’ means—

5 “(1) a water resources project that has an esti-  
6 mated total cost of more than \$25,000,000, includ-  
7 ing mitigation costs; and

8 “(2) a water resources project—

9 “(A) that has an estimated total cost of  
10 \$25,000,000 or less, including mitigation costs;  
11 and

12 “(B)(i) that the Secretary determines is  
13 subject to a substantial degree of public con-  
14 troversy; or

15 “(ii) to which an affected State objects.”.

16 **SEC. 216. ENHANCED PUBLIC PARTICIPATION.**

17 (a) IN GENERAL.—Section 905 of the Water Re-  
18 sources Development Act of 1986 (33 U.S.C. 2282) is  
19 amended by adding at the end the following:

20 “(e) ENHANCED PUBLIC PARTICIPATION.—

21 “(1) IN GENERAL.—The Secretary shall estab-  
22 lish procedures to enhance public participation in the  
23 development of each feasibility study under sub-  
24 section (a), including, if appropriate, establishment

1 of a stakeholder advisory group to assist the Sec-  
2 retary with the development of the study.

3 “(2) MEMBERSHIP.—If the Secretary provides  
4 for the establishment of a stakeholder advisory  
5 group under this subsection, the membership of the  
6 advisory group shall include balanced representation  
7 of social, economic, and environmental interest  
8 groups, and such members shall serve on a vol-  
9 untary, uncompensated basis.

10 “(3) LIMITATION.—Procedures established  
11 under this subsection shall not delay development of  
12 any feasibility study under subsection (a).”.

13 **SEC. 217. MONITORING.**

14 (a) IN GENERAL.—The Secretary shall conduct a  
15 monitoring program of the economic and environmental  
16 results of up to 5 eligible projects selected by the Sec-  
17 retary.

18 (b) DURATION.—The monitoring of a project selected  
19 by the Secretary under this section shall be for a period  
20 of not less than 12 years beginning on the date of its selec-  
21 tion.

22 (c) REPORTS.—The Secretary shall transmit to Con-  
23 gress every 3 years a report on the performance of each  
24 project selected under this section.

1 (d) ELIGIBLE WATER RESOURCES PROJECT DE-  
2 FINED.—In this section, the term “eligible project” means  
3 a water resources project, or separable element thereof—

4 (1) for which a contract for physical construc-  
5 tion has not been awarded before the date of enact-  
6 ment of this Act;

7 (2) that has a total cost of more than  
8 \$25,000,000; and

9 (3)(A) that has as a benefit-to-cost ratio of less  
10 than 1.5 to 1; or

11 (B) that has significant environmental benefits  
12 or significant environmental mitigation components.

13 (e) COSTS.—The cost of conducting monitoring under  
14 this section shall be a Federal expense.

15 **SEC. 218. RECONNAISSANCE STUDIES.**

16 Section 905(b) of the Water Resources Development  
17 Act of 1986 (33 U.S.C. 2282(b)) is amended—

18 (1) in the second sentence by inserting after  
19 “environmental impacts” the following: “(including  
20 whether a proposed project is likely to have environ-  
21 mental impacts that cannot be successfully or cost-  
22 effectively mitigated)”; and

23 (2) by inserting after the second sentence the  
24 following: “The Secretary shall not recommend that  
25 a feasibility study be conducted for a project based



1 on a reconnaissance study if the Secretary deter-  
2 mines that the project is likely to have environ-  
3 mental impacts that cannot be successfully or cost-  
4 effectively mitigated.”.

5 **SEC. 219. FISH AND WILDLIFE MITIGATION.**

6 (a) DESIGN OF MITIGATION PROJECTS.—Section  
7 906(d) of the Water Resources Development Act of 1986  
8 (33 U.S.C. 2283(a)) is amended—

9 (1) by striking “(1)” and inserting “(A)”; and  
10 (2) by striking “(2)” and inserting “(B)”;  
11 (3) by striking “(d) After the date” and insert-  
12 ing the following:

13 “(d) MITIGATION PLANS AS PART OF PROJECT PRO-  
14 POSALS.—

15 “(1) IN GENERAL.—After the date”;

16 (4) by adding at the end the following:

17 “(2) DESIGN OF MITIGATION PROJECTS.—The  
18 Secretary shall design mitigation projects to reflect  
19 contemporary understanding of the science of miti-  
20 gating the adverse environmental impacts of water  
21 resources projects.

22 “(3) RECOMMENDATION OF PROJECTS.—The  
23 Secretary shall not recommend a water resources  
24 project unless the Secretary determines that the ad-  
25 verse impacts of the project on aquatic resources

1 and fish and wildlife can be cost-effectively and suc-  
2 cessfully mitigated.”; and

3 (5) by aligning the remainder of the text of  
4 paragraph (1) (as designated by paragraph (3) of  
5 this subsection) with paragraph (2) (as added by  
6 paragraph (4) of this subsection).

7 (b) CONCURRENT MITIGATION.—

8 (1) INVESTIGATION.—The Comptroller General  
9 shall conduct an investigation of the effectiveness of  
10 the concurrent mitigation requirements of section  
11 906 of the Water Resources Development Act of  
12 1986 (33 U.S.C. 2283). In conducting the investiga-  
13 tion, the Comptroller General shall determine wheth-  
14 er or not there are instances in which less than 50  
15 percent of required mitigation is completed before  
16 initiation of project construction and the number of  
17 such instances.

18 (2) REPORT.—Not later than 1 year after the  
19 date of enactment of this Act, the Comptroller Gen-  
20 eral shall transmit to Congress a report on the re-  
21 sults of the investigation.

22 **SEC. 220. WETLANDS MITIGATION.**

23 In carrying out a water resources project that in-  
24 volves wetlands mitigation and that has an impact that  
25 occurs within the service area of a mitigation bank, the

1 Secretary, to the maximum extent practicable and where  
2 appropriate, shall give preference to the use of the mitiga-  
3 tion bank if the bank contains sufficient available credits  
4 to offset the impact and the bank is approved in accord-  
5 ance with the Federal Guidance for the Establishment,  
6 Use and Operation of Mitigation Banks (60 Fed. Reg.  
7 58605 (November 28, 1995)) or other applicable Federal  
8 law (including regulations).

9 **SEC. 221. CREDIT TOWARD NON-FEDERAL SHARE OF NAVI-**  
10 **GATION PROJECTS.**

11 The second sentence of section 101(a)(2) of the  
12 Water Resources Development Act of 1986 (33 U.S.C.  
13 2211(a)(2)) is amended—

14 (1) by striking “paragraph (3) and” and insert-  
15 ing “paragraph (3),”; and

16 (2) by striking “paragraph (4)” and inserting  
17 “paragraph (4), and the costs borne by the non-Fed-  
18 eral interests in providing additional capacity at  
19 dredged material disposal areas, providing commu-  
20 nity access to the project (including such disposal  
21 areas), and meeting applicable beautification re-  
22 quirements”.

1 **SEC. 222. MAXIMUM PROGRAM EXPENDITURES FOR SMALL**  
2 **FLOOD CONTROL PROJECTS.**

3 Section 205 of the Flood Control Act of 1948 (33  
4 U.S.C. 701s) is amended by striking “\$40,000,000” and  
5 inserting “\$50,000,000”.

6 **SEC. 223. FEASIBILITY STUDIES AND PLANNING, ENGI-**  
7 **NEERING, AND DESIGN.**

8 Section 105(a)(1)(E) of the Water Resources Devel-  
9 opment Act of 1986 (33 U.S.C. 2215(a)(1)(E)) is amend-  
10 ed by striking “Not more than 1/2 of the” and inserting  
11 “The”.

12 **SEC. 224. ADMINISTRATIVE COSTS OF LAND CONVEYANCES.**

13 (a) IN GENERAL.—Notwithstanding any other provi-  
14 sion of law, the administrative costs associated with the  
15 conveyance of property to a non-Federal governmental or  
16 nonprofit entity shall be limited to not more than 5 per-  
17 cent of the value of the property to be conveyed to such  
18 entity if the Secretary determines, based on the entity’s  
19 ability to pay, that such limitation is necessary to complete  
20 the conveyance. The Federal cost associated with such lim-  
21 itation shall not exceed \$70,000 for any one conveyance.

22 (b) SPECIFIC CONVEYANCE.—In carrying out sub-  
23 section (a), the Secretary shall give priority consideration  
24 to the conveyance of 10 acres of Wister Lake project land  
25 to the Summerfield Cemetery Association, Wister, Okla-

1 homa, authorized by section 563(f) of the Water Re-  
2 sources Development Act of 1999 (113 Stat. 359–360).

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
4 authorized to be appropriated to carry out this section  
5 \$150,000 for fiscal years 2001 through 2003.

6 **SEC. 225. DAM SAFETY.**

7 (a) INVENTORY AND ASSESSMENT OF OTHER  
8 DAMS.—

9 (1) INVENTORY.—The Secretary shall establish  
10 an inventory of dams constructed by and using  
11 funds made available through the Works Progress  
12 Administration, the Works Projects Administration,  
13 and the Civilian Conservation Corps.

14 (2) ASSESSMENT OF REHABILITATION  
15 NEEDS.—In establishing the inventory required  
16 under paragraph (1), the Secretary shall also assess  
17 the condition of the dams on such inventory and the  
18 need for rehabilitation or modification of the dams.

19 (b) REPORT TO CONGRESS.—Not later than 2 years  
20 after the date of enactment of this Act, the Secretary shall  
21 transmit to Congress a report containing the inventory  
22 and assessment required by this section.

23 (c) INTERIM ACTIONS.—

24 (1) IN GENERAL.—If the Secretary determines  
25 that a dam referred to in subsection (a) presents an

1       imminent and substantial risk to public safety, the  
2       Secretary is authorized to carry out measures to pre-  
3       vent or mitigate against such risk.

4           (2) EXCLUSION.—The assistance authorized  
5       under paragraph (1) shall not be available to dams  
6       under the jurisdiction of the Department of the Inte-  
7       rior.

8           (3) FEDERAL SHARE.—The Federal share of  
9       the cost of assistance provided under this subsection  
10      shall be 65 percent of such cost.

11      (d) COORDINATION.—In carrying out this section, the  
12      Secretary shall coordinate with the appropriate State dam  
13      safety officials and the Director of the Federal Emergency  
14      Management Agency.

15      (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
16      authorized to be appropriated to carry out this section a  
17      total of \$25,000,000 for fiscal years beginning after Sep-  
18      tember 30, 1999, of which not more than \$5,000,000 may  
19      be expended on any one dam.

## 20       **TITLE III—PROJECT-RELATED** 21       **PROVISIONS**

### 22       **SEC. 301. NOGALES WASH AND TRIBUTARIES, NOGALES, AR-** 23       **IZONA.**

24       The project for flood control, Nogales Wash and  
25      Tributaries, Nogales, Arizona, authorized by section

1 101(a)(4) of the Water Resources Development Act of  
2 1990 (104 Stat. 4606), and modified by section 303 of  
3 the Water Resources Development Act of 1996 (110 Stat.  
4 3711), is further modified to provide that the Federal  
5 share of the costs associated with addressing flood control  
6 problems in Nogales, Arizona, arising from floodwater  
7 flows originating in Mexico shall be 100 percent.

8 **SEC. 302. JOHN PAUL HAMMERSCHMIDT VISITOR CENTER,**  
9 **FORT SMITH, ARKANSAS.**

10 Section 103(e) of the Water Resources Development  
11 Act of 1992 (106 Stat. 4813) is amended—

12 (1) in the subsection heading by striking  
13 “LAKE” and inserting “VISITOR CENTER”; and

14 (2) in paragraph (1) by striking “at the John  
15 Paul Hammerschmidt Lake, Arkansas River, Arkan-  
16 sas” and inserting “on property provided by the city  
17 of Fort Smith, Arkansas, in such city”.

18 **SEC. 303. GREERS FERRY LAKE, ARKANSAS.**

19 The project for flood control, Greers Ferry Lake, Ar-  
20 kansas, authorized by the Act entitled “An Act author-  
21 izing the construction of certain public works on rivers and  
22 harbors for flood control, and other purposes”, approved  
23 June 28, 1938 (52 Stat. 1218), is modified to authorize  
24 the Secretary to construct water intake facilities for the  
25 benefit of Lonoke and White Counties, Arkansas.

1   **SEC. 304. TEN- AND FIFTEEN-MILE BAYOUS, ARKANSAS.**

2       The project for flood control, Saint Francis River  
3 Basin, Missouri and Arkansas, authorized by section 204  
4 of the Flood Control Act of 1950 (64 Stat. 172), is modi-  
5 fied to expand the boundaries of the project to include  
6 Ten- and Fifteen-Mile Bayous near West Memphis, Ar-  
7 kansas. Notwithstanding section 103(f) of the Water Re-  
8 sources Development Act of 1986 (100 Stat. 4086), the  
9 flood control work at Ten- and Fifteen-Mile Bayous shall  
10 not be considered separable elements of the project.

11   **SEC. 305. CACHE CREEK BASIN, CALIFORNIA.**

12       The project for flood control, Cache Creek Basin,  
13 California, authorized by section 401(a) of the Water Re-  
14 sources Development Act of 1986 (100 Stat. 4112), is  
15 modified to direct the Secretary to evaluate the impacts  
16 of the new south levee of the Cache Creek settling basin  
17 on the city of Woodland's storm drainage system and to  
18 mitigate such impacts at Federal expense and a total cost  
19 of \$2,800,000.

20   **SEC. 306. LARKSPUR FERRY CHANNEL, LARKSPUR, CALI-**  
21                   **FORNIA.**

22       The project for navigation, Larkspur Ferry Channel,  
23 Larkspur, California, authorized by section 601(d) of the  
24 Water Resources Development Act of 1986 (100 Stat.  
25 4148), is modified to direct the Secretary to prepare a  
26 limited reevaluation report to determine whether mainte-



1 nance of the project is technically sound, environmentally  
2 acceptable, and economically justified. If the Secretary de-  
3 termines that maintenance of the project is technically  
4 sound, environmentally acceptable, and economically justi-  
5 fied, the Secretary shall carry out the maintenance.

6 **SEC. 307. NORCO BLUFFS, RIVERSIDE COUNTY, CALI-**  
7 **FORNIA.**

8 Section 101(b)(4) of the Water Resources Develop-  
9 ment Act of 1996 (110 Stat. 3667) is amended by striking  
10 “\$8,600,000” and all that follows through “\$2,150,000”  
11 and inserting “\$15,000,000, with an estimated Federal  
12 cost of \$11,250,000 and an estimated non-Federal cost  
13 of \$3,750,000”.

14 **SEC. 308. SACRAMENTO DEEP WATER SHIP CHANNEL, CALI-**  
15 **FORNIA.**

16 The project for navigation, Sacramento Deep Water  
17 Ship Channel, California, authorized by section 202(a) of  
18 the Water Resources Development Act of 1986 (100 Stat.  
19 4092), is modified to authorize the Secretary to provide  
20 credit to the non-Federal interest toward the non-Federal  
21 share of the cost of the project for the value of dredged  
22 material from the project that is purchased by public  
23 agencies or nonprofit entities for environmental restora-  
24 tion or other beneficial uses.

1 **SEC. 309. SACRAMENTO RIVER, GLENN-COLUSA, CALI-**  
2 **FORNIA.**

3       The project for flood control, Sacramento River, Cali-  
4 fornia, authorized by section 2 of the Act entitled “An Act  
5 to provide for the control of the floods of the Mississippi  
6 River and of the Sacramento River, California, and for  
7 other purposes”, approved March 1, 1917 (39 Stat. 949),  
8 and modified by section 102 of the Energy and Water De-  
9 velopment Appropriations Act, 1990 (103 Stat. 649), sec-  
10 tion 301(b)(3) of the Water Resources Development Act  
11 of 1996 (110 Stat. 3110), title I of the Energy and Water  
12 Development Appropriations Act, 1999 (112 Stat. 1841),  
13 and section 305 of the Water Resources Development Act  
14 of 1999 (113 Stat. 299), is further modified to direct the  
15 Secretary to provide the non-Federal interest a credit of  
16 up to \$4,000,000 toward the non-Federal share of the cost  
17 of the project for direct and indirect costs incurred by the  
18 non-Federal interest in carrying out activities (including  
19 the provision of lands, easements, rights-of-way, reloca-  
20 tions, and dredged material disposal areas) associated  
21 with environmental compliance for the project if the Sec-  
22 retary determines that the activities are integral to the  
23 project. If any of such costs were incurred by the non-  
24 Federal interests before execution of the project coopera-  
25 tion agreement, the Secretary may reimburse the non-Fed-  
26 eral interest for such pre-agreement costs instead of pro-

1 viding a credit for such pre-agreement costs to the extent  
2 that the amount of the credit exceeds the remaining non-  
3 Federal share of the cost of the project.

4 **SEC. 310. UPPER GUADALUPE RIVER, CALIFORNIA.**

5       The project for flood damage reduction and recre-  
6 ation, Upper Guadalupe River, California, authorized by  
7 section 101(a)(9) of the Water Resources Development  
8 Act of 1999 (113 Stat. 275), is modified to provide that  
9 the non-Federal share of the cost of the project shall be  
10 50 percent, with an estimated Federal cost and non-Fed-  
11 eral cost of \$70,164,000 each.

12 **SEC. 311. BREVARD COUNTY, FLORIDA.**

13       (a) INCLUSION OF REACH.—The project for shoreline  
14 protection, Brevard County, Florida, authorized by section  
15 101(b)(7) of the Water Resources Development Act of  
16 1996 (110 Stat. 3667), is modified to provide that, not-  
17 withstanding section 902 of the Water Resources Develop-  
18 ment Act of 1986, the Secretary may incorporate in the  
19 project any or all of the 7.1-mile reach of the project that  
20 was deleted from the south reach of the project, as de-  
21 scribed in paragraph (5) of the Report of the Chief of En-  
22 gineers, dated December 23, 1996, if the Secretary deter-  
23 mines, in coordination with appropriate local, State, and  
24 Federal agencies, that the project as modified is tech-

1 nically sound, environmentally acceptable, and economi-  
2 cally justified.

3 (b) CLARIFICATION.—Section 310(a) of the Water  
4 Resources Development Act of 1999 (113 Stat. 301) is  
5 amended by inserting “shoreline associated with the” after  
6 “damage to the”.

7 **SEC. 312. FERNANDINA HARBOR, FLORIDA.**

8 The project for navigation, Fernandina Harbor, Flor-  
9 ida, authorized by the first section of the Act entitled “An  
10 Act making appropriations for the construction, repair,  
11 completion, and preservation of certain works on rivers  
12 and harbors, and for other purposes”, approved June 14,  
13 1880 (21 Stat. 186), is modified to authorize the Sec-  
14 retary to realign the access channel in the vicinity of the  
15 Fernandina Beach Municipal Marina 100 feet to the west.  
16 The cost of the realignment, including acquisition of lands,  
17 easements, rights-of-way, and dredged material disposal  
18 areas and relocations, shall be a non-Federal expense.

19 **SEC. 313. TAMPA HARBOR, FLORIDA.**

20 The project for navigation, Tampa Harbor, Florida,  
21 authorized by section 4 of the Rivers and Harbors Act  
22 of September 22, 1922 (42 Stat. 1042), is modified to  
23 authorize the Secretary to deepen and widen the Alafia  
24 Channel in accordance with the plans described in the  
25 Draft Feasibility Report, Alafia River, Tampa Harbor,

1 Florida, dated May 2000, at a total cost of \$61,592,000,  
2 with an estimated Federal cost of \$39,621,000 and an es-  
3 timated non-Federal cost of \$21,971,000.

4 **SEC. 314. EAST SAINT LOUIS AND VICINITY, ILLINOIS.**

5 The project for flood protection, East Saint Louis  
6 and vicinity, Illinois (East Side levee and sanitary dis-  
7 trict), authorized by section 204 of the Flood Control Act  
8 of 1965 (79 Stat. 1082), is modified to include ecosystem  
9 restoration as a project purpose.

10 **SEC. 315. KASKASKIA RIVER, KASKASKIA, ILLINOIS.**

11 The project for navigation, Kaskaskia River,  
12 Kaskaskia, Illinois, authorized by section 101 of the River  
13 and Harbor Act of 1962 (76 Stat. 1175), is modified to  
14 include recreation as a project purpose.

15 **SEC. 316. WAUKEGAN HARBOR, ILLINOIS.**

16 The project for navigation, Waukegan Harbor, Illi-  
17 nois, authorized by the first section of the Act entitled “An  
18 Act making appropriations for the construction, repair,  
19 completion, and preservation of certain works on rivers  
20 and harbors, and for other purposes”, approved June 14,  
21 1880 (21 Stat. 192), is modified to authorize the Sec-  
22 retary to extend the upstream limit of the project 275 feet  
23 to the north at a width of 375 feet if the Secretary deter-  
24 mines that the extension is feasible.

1 **SEC. 317. CUMBERLAND, KENTUCKY.**

2 Using continuing contracts, the Secretary shall ini-  
3 tiate construction of the flood control project, Cum-  
4 berland, Kentucky, authorized by section 202(a) of the  
5 Energy and Water Development Appropriations Act, 1981  
6 (94 Stat. 1339), in accordance with option 4 contained  
7 in the draft detailed project report of the Nashville Dis-  
8 trict, dated September 1998, to provide flood protection  
9 from the 100-year frequency flood event and to share all  
10 costs in accordance with section 103 of the Water Re-  
11 sources Development Act of 1986 (33 U.S.C. 2213).

12 **SEC. 318. LOCK AND DAM 10, KENTUCKY RIVER, KENTUCKY.**

13 (a) IN GENERAL.—The Secretary may take all nec-  
14 essary measures to further stabilize and renovate Lock  
15 and Dam 10 at Boonesborough, Kentucky, with the pur-  
16 pose of extending the design life of the structure by an  
17 additional 50 years, at a total cost of \$24,000,000, with  
18 an estimated Federal cost of \$12,000,000 and an esti-  
19 mated non-Federal cost of \$12,000,000.

20 (b) DEFINITIONS.—For purposes of this section, the  
21 term “stabilize and renovate” includes the following activi-  
22 ties: stabilization of the main dam, auxiliary dam and lock;  
23 renovation of all operational aspects of the lock; and ele-  
24 vation of the main and auxiliary dams.

1 **SEC. 319. SAINT JOSEPH RIVER, SOUTH BEND, INDIANA.**

2 Section 321(a) of the Water Resources Development  
3 Act of 1999 (113 Stat. 303) is amended—

4 (1) in the subsection heading by striking  
5 “TOTAL” and inserting “FEDERAL”; and

6 (2) by striking “total” and inserting “Federal”.

7 **SEC. 320. MAYFIELD CREEK AND TRIBUTARIES, KENTUCKY.**

8 The project for flood control, Mayfield Creek and  
9 tributaries, Kentucky, carried out under section 205 of the  
10 Flood Control Act of 1948 (33 U.S.C. 701s), is modified  
11 to provide that the non-Federal interest shall not be re-  
12 quired to pay the unpaid balance, including interest, of  
13 the non-Federal share of the cost of the project.

14 **SEC. 321. AMITE RIVER AND TRIBUTARIES, EAST BATON**  
15 **ROUGE PARISH, LOUISIANA.**

16 The project for flood damage reduction and recre-  
17 ation, Amite River and Tributaries, East Baton Rouge  
18 Parish, Louisiana, authorized by section 101(a)(21) of the  
19 Water Resources Development Act of 1999 (113 Stat.  
20 277), is modified to provide that cost sharing for the  
21 project shall be determined in accordance with section  
22 103(a) of the Water Resources Development Act of 1986  
23 (33 U.S.C. 2213), as in effect on October 11, 1996.

1   **SEC. 322. ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOU-**  
2                   **ISIANA.**

3           The Atchafalaya Basin Floodway System project, au-  
4 thorized by section 601 of the Water Resources Develop-  
5 ment Act of 1986 (100 Stat. 4142), is modified to author-  
6 ize the Secretary to construct the visitor center and other  
7 recreational features identified in the 1982 project feasi-  
8 bility report of the Corps of Engineers at or near the Lake  
9 End Park in Morgan City, Louisiana.

10   **SEC. 323. ATCHAFALAYA RIVER, BAYOUS CHENE, BOEUF,**  
11                   **AND BLACK, LOUISIANA.**

12          The project for navigation Atchafalaya River and  
13 Bayous Chene, Boeuf, and Black, Louisiana, authorized  
14 by section 101 of the River and Harbor Act of 1968 (82  
15 Stat. 731), is modified to direct the Secretary to inves-  
16 tigate the problems associated with the mixture of fresh-  
17 water, saltwater, and fine river silt in the channel and to  
18 develop and carry out a solution to the problem if the Sec-  
19 retary determines that the work is technically sound, envi-  
20 ronmentally acceptable, and economically justified.

21   **SEC. 324. RED RIVER WATERWAY, LOUISIANA.**

22          The project for mitigation of fish and wildlife loses,  
23 Red River Waterway, Louisiana, authorized by section  
24 601(a) of the Water Resources Development Act of 1986  
25 (100 Stat. 4142) and modified by section 4(h) of the  
26 Water Resources Development Act of 1988 (102 Stat.



1 4016), section 102(p) of the Water Resources Develop-  
2 ment Act of 1990 (104 Stat. 4613), and section 301(b)(7)  
3 of the Water Resources Development Act of 1996 (110  
4 Stat. 3710), is further modified to authorize the Secretary  
5 to purchase mitigation lands in any of the 7 parishes that  
6 make up the Red River Waterway District, including the  
7 parishes of Caddo, Bossier, Red River, Natchitoches,  
8 Grant, Rapides, and Avoyelles.

9 **SEC. 325. THOMASTON HARBOR, GEORGES RIVER, MAINE.**

10 The project for navigation, Georges River, Maine  
11 (Thomaston Harbor), authorized by the first section of the  
12 Act entitled “An Act making appropriations for the con-  
13 struction, repair, and preservation of certain public works  
14 on rivers and harbors, and for other purposes”, approved  
15 June 3, 1896 (29 Stat. 215), is modified to redesignate  
16 the following portion of the project as an anchorage area:  
17 The portion lying northwesterly of a line commencing at  
18 point N86,946.770, E321,303.830 thence running north-  
19 easterly about 203.67 feet to a point N86,994.750,  
20 E321,501.770.

21 **SEC. 326. BRECKENRIDGE, MINNESOTA.**

22 (a) MAXIMUM FEDERAL EXPENDITURE.—The max-  
23 imum amount of Federal funds that may be expended for  
24 the project for flood control, Breckenridge, Minnesota,

1 carried out under section 205 of the Flood Control Act  
2 of 1948 (33 U.S.C. 701s), shall be \$10,500,000.

3 (b) REVISION OF PROJECT COOPERATION AGREE-  
4 MENT.—The Secretary shall revise the project cooperation  
5 agreement for the project described in subsection (a) to  
6 take into account the change in the Federal participation  
7 in the project in accordance with this section.

8 **SEC. 327. DULUTH HARBOR, MINNESOTA.**

9 The project for navigation, Duluth Harbor, Min-  
10 nesota, carried out under section 107 of the River and  
11 Harbor Act of 1960 (33 U.S.C. 577), is modified to in-  
12 clude the relocation of Scenic Highway 61, including any  
13 required bridge construction.

14 **SEC. 328. LITTLE FALLS, MINNESOTA.**

15 The project for clearing, snagging, and sediment re-  
16 moval, East Bank of the Mississippi River, Little Falls,  
17 Minnesota, authorized under section 3 of the Act entitled  
18 “An Act authorizing the construction, repair, and preser-  
19 vation of certain public works on rivers and harbors, and  
20 for other purposes”, approved March 2, 1945 (33 U.S.C.  
21 603a), is modified to direct the Secretary to construct the  
22 project substantially in accordance with the plans con-  
23 tained in the feasibility report of the District Engineer,  
24 dated June 2000.

1 **SEC. 329. POPLAR ISLAND, MARYLAND.**

2 (a) IN GENERAL.—The project for beneficial use of  
3 dredged material at Poplar Island, Maryland, authorized  
4 by section 537 of the Water Resources Development Act  
5 of 1996 (110 Stat. 3776), is modified to authorize the Sec-  
6 retary to provide the non-Federal interest credit toward  
7 cash contributions required—

8 (1) before and during construction of the  
9 project, for the costs of planning, engineering, and  
10 design and for construction management work that  
11 is performed by the non-Federal interest and that  
12 the Secretary determines is necessary to implement  
13 the project; and

14 (2) during construction of the project, for the  
15 costs of the construction that the non-Federal inter-  
16 est carries out on behalf of the Secretary and that  
17 the Secretary determines is necessary to carry out  
18 the project.

19 (b) REDUCTION.—The private sector performance  
20 goals for engineering work of the Baltimore District of the  
21 Corps of Engineers shall be reduced by the amount of the  
22 credit under paragraph (1).

23 **SEC. 330. GREEN BROOK SUB-BASIN, RARITAN RIVER**  
24 **BASIN, NEW JERSEY.**

25 The project for flood control, Green Brook Sub-  
26 Basin, Raritan River Basin, New Jersey, authorized by

1 section 401(a) of the Water Resources Development Act  
2 of 1986 (100 Stat. 4119), is modified to direct the Sec-  
3 retary to prepare a limited reevaluation report to deter-  
4 mine the feasibility of carrying out a nonstructural flood  
5 damage reduction project at the Green Brook Sub-Basin.  
6 If the Secretary determines that the nonstructural project  
7 is feasible, the Secretary may carry out the nonstructural  
8 project.

9 **SEC. 331. NEW YORK HARBOR AND ADJACENT CHANNELS,**  
10 **PORT JERSEY, NEW JERSEY.**

11 The project for navigation, New York Harbor and ad-  
12 jacent channels, Port Jersey, New Jersey, authorized by  
13 section 202(b) of the Water Resources Development Act  
14 of 1986 (100 Stat. 4098) and modified by section 337  
15 of the Water Resources Development Act of 1999 (113  
16 Stat. 306–307), is further modified to authorize the Sec-  
17 retary to provide the non-Federal interests credit toward  
18 cash contributions required—

19 (1) before, during, and after construction for  
20 planning, engineering and design, and construction  
21 management work that is performed by the non-  
22 Federal interests and that the Secretary determines  
23 is necessary to implement the project; and

24 (2) during and after construction for the costs  
25 of construction that the non-Federal interests carry

1 out on behalf of the Secretary and that the Sec-  
2 retary determines is necessary to implement the  
3 project.

4 **SEC. 332. PASSAIC RIVER BASIN FLOOD MANAGEMENT,**  
5 **NEW JERSEY.**

6 (a) REEVALUATION OF FLOODWAY STUDY.—The  
7 Secretary shall review the Passaic River Floodway Buyout  
8 Study, dated October 1995, conducted as part of the  
9 project for flood control, Passaic River Main Stem, New  
10 Jersey and New York, authorized by section 101(a)(18)  
11 of the Water Resources Development Act of 1990 (104  
12 Stat. 4607–4610), to calculate the benefits of a buyout  
13 and environmental restoration using the method used to  
14 calculate the benefits of structural projects under section  
15 308(b) of the Water Resources Development Act of 1990  
16 (33 U.S.C. 2318(b)).

17 (b) REEVALUATION OF 10-YEAR FLOODPLAIN  
18 STUDY.—The Secretary shall review the Passaic River  
19 Buyout Study of the 10-year floodplain beyond the  
20 floodway of the Central Passaic River Basin, dated Sep-  
21 tember 1995, conducted as part of the Passaic River Main  
22 Stem project to calculate the benefits of a buyout and en-  
23 vironmental restoration using the method used to calculate  
24 the benefits of structural projects under section 308(b) of

1 the Water Resources Development Act of 1990 (33 U.S.C.  
2 2318(b)).

3 (c) PRESERVATION OF NATURAL STORAGE AREAS.—

4 (1) IN GENERAL.—The Secretary shall reeval-  
5 ate the acquisition of wetlands in the Central Pas-  
6 saic River Basin for flood protection purposes to  
7 supplement the wetland acquisition authorized by  
8 section 101(a)(18)(C)(vi) of the Water Resources  
9 Development Act of 1990 (104 Stat. 4609).

10 (2) PURCHASE.—If the Secretary determines  
11 that the acquisition of wetlands evaluated under  
12 paragraph (1) is cost-effective, the Secretary shall  
13 purchase the wetlands, with the goal of purchasing  
14 not more than 8,200 acres.

15 (d) STREAMBANK EROSION CONTROL STUDY.—The  
16 Secretary shall review relevant reports and conduct a  
17 study to determine the feasibility of carrying out a project  
18 for environmental restoration, erosion control, and  
19 streambank restoration along the Passaic River, from  
20 Dundee Dam to Kearny Point, New Jersey.

21 (e) PASSAIC RIVER FLOOD MANAGEMENT TASK  
22 FORCE.—

23 (1) ESTABLISHMENT.—The Secretary, in co-  
24 operation with the non-Federal interest, shall estab-  
25 lish a task force, to be known as the “Passaic River

1 Flood Management Task Force”, to provide advice  
2 to the Secretary concerning reevaluation of the Pas-  
3 saic River Main Stem project.

4 (2) MEMBERSHIP.—The task force shall be  
5 composed of 22 members, appointed as follows:

6 (A) APPOINTMENT BY SECRETARY.—The  
7 Secretary shall appoint 1 member to represent  
8 the Corps of Engineers and to provide technical  
9 advice to the task force.

10 (B) APPOINTMENTS BY GOVERNOR OF  
11 NEW JERSEY.—The Governor of New Jersey  
12 shall appoint 20 members to the task force, as  
13 follows:

14 (i) 2 representatives of the New Jer-  
15 sey legislature who are members of dif-  
16 ferent political parties.

17 (ii) 3 representatives of the State of  
18 New Jersey.

19 (iii) 1 representative of each of Ber-  
20 gen, Essex, Morris, and Passaic Counties,  
21 New Jersey.

22 (iv) 6 representatives of governments  
23 of municipalities affected by flooding with-  
24 in the Passaic River Basin.

1 (v) 1 representative of the Palisades  
2 Interstate Park Commission.

3 (vi) 1 representative of the North Jer-  
4 sey District Water Supply Commission.

5 (vii) 1 representative of each of—

6 (I) the Association of New Jersey  
7 Environmental Commissions;

8 (II) the Passaic River Coalition;  
9 and

10 (III) the Sierra Club.

11 (C) APPOINTMENT BY GOVERNOR OF NEW  
12 YORK.—The Governor of New York shall ap-  
13 point 1 representative of the State of New York  
14 to the task force.

15 (3) MEETINGS.—

16 (A) REGULAR MEETINGS.—The task force  
17 shall hold regular meetings.

18 (B) OPEN MEETINGS.—The meetings of  
19 the task force shall be open to the public.

20 (4) ANNUAL REPORT.—The task force shall  
21 submit annually to the Secretary and to the non-  
22 Federal interest a report describing the achieve-  
23 ments of the Passaic River flood management  
24 project in preventing flooding and any impediments  
25 to completion of the project.



1           (5) EXPENDITURE OF FUNDS.—The Secretary  
2       may use funds made available to carry out the Pas-  
3       saic River Basin flood management project to pay  
4       the administrative expenses of the task force.

5           (6) TERMINATION.—The task force shall termi-  
6       nate on the date on which the Passaic River flood  
7       management project is completed.

8           (f) ACQUISITION OF LANDS IN THE FLOODWAY.—  
9       Section 1148 of the Water Resources Development Act of  
10      1986 (100 Stat. 4254; 110 Stat. 3718–3719), is amended  
11      by adding at the end the following:

12       “(e) CONSISTENCY WITH NEW JERSEY BLUE ACRES  
13      PROGRAM.—The Secretary shall carry out this section in  
14      a manner that is consistent with the Blue Acres Program  
15      of the State of New Jersey.”.

16       (g) STUDY OF HIGHLANDS LAND CONSERVATION.—  
17      The Secretary, in cooperation with the Secretary of Agri-  
18      culture and the State of New Jersey, may study the feasi-  
19      bility of conserving land in the Highlands region of New  
20      Jersey and New York to provide additional flood protec-  
21      tion for residents of the Passaic River Basin in accordance  
22      with section 212 of the Water Resources Development Act  
23      of 1999 (33 U.S.C. 2332).

24       (h) RESTRICTION ON USE OF FUNDS.—The Sec-  
25      retary shall not obligate any funds to carry out design or

1 construction of the tunnel element of the Passaic River  
2 Main Stem project.

3 **SEC. 333. TIMES BEACH NATURE PRESERVE, BUFFALO,**  
4 **NEW YORK.**

5 The project for improving the quality of the environ-  
6 ment, Times Beach Nature Preserve, Buffalo, New York,  
7 carried out under section 1135 of the Water Resources  
8 Development Act of 1986 (33 U.S.C. 2309a), is modified  
9 to include recreation as a project purpose.

10 **SEC. 334. GARRISON DAM, NORTH DAKOTA.**

11 The Garrison Dam, North Dakota, feature of the  
12 project for flood control, Missouri River Basin, authorized  
13 by section 9(a) of the Flood Control Act of December 22,  
14 1944 (58 Stat. 891), is modified to direct the Secretary  
15 to mitigate damage to the water transmission line for  
16 Williston, North Dakota, at Federal expense and a total  
17 cost of \$3,900,000.

18 **SEC. 335. DUCK CREEK, OHIO.**

19 The project for flood control, Duck Creek, Ohio, au-  
20 thorized by section 101(a)(24) of the Water Resources De-  
21 velopment Act of 1996 (110 Stat. 3665), is modified to  
22 authorize the Secretary carry out the project at a total  
23 cost of \$36,323,000, with an estimated Federal cost of  
24 \$27,242,000 and an estimated non-Federal cost of  
25 \$9,081,000.

1   **SEC. 336. ASTORIA, OREGON.**

2           The project for navigation, Columbia River, Astoria,  
3 Oregon, authorized by the first section of the Act entitled  
4 “An Act authorizing the construction, repair, and preser-  
5 vation of certain public works on rivers and harbors, and  
6 for other purposes”, approved July 24, 1946 (60 Stat.  
7 637), is modified to provide that the Federal share of the  
8 cost of relocating causeway and mooring facilities located  
9 at the Astoria East Boat Basin shall be 100 percent but  
10 shall not exceed \$500,000.

11   **SEC. 337. NONCONNAH CREEK, TENNESSEE AND MIS-**  
12                           **SISSIPPI.**

13           The project for flood control, Nonconnah Creek, Ten-  
14 nessee and Mississippi, authorized by section 401(a) of the  
15 Water Resources Development Act of 1986 (100 Stat.  
16 4124), is modified to authorize the Secretary, if the Sec-  
17 retary determines that it is feasible—

18                   (1) to extend the area protected by the flood  
19 control element of the project upstream approxi-  
20 mately 5 miles to Reynolds Road; and

21                   (2) to extend the hiking and biking trails of the  
22 recreational element of the project from 8.8 to 27  
23 miles.

24   **SEC. 338. BOWIE COUNTY LEVEE, TEXAS.**

25           The project for flood control, Red River below  
26 Denison Dam, Texas and Oklahoma, authorized by section

1 10 of the Flood Control Act of 1946 (60 Stat. 647), is  
2 modified to direct the Secretary to implement the Bowie  
3 County levee feature of the project in accordance with the  
4 plan described as Alternative B in the draft document en-  
5 titled “Bowie County Local Flood Protection, Red River,  
6 Texas Project Design Memorandum No. 1, Bowie County  
7 Levee”, dated April 1997. In evaluating and implementing  
8 the modification, the Secretary shall allow the non-Federal  
9 interest to participate in the financing of the project in  
10 accordance with section 903(c) of the Water Resources  
11 Development Act of 1986 (100 Stat. 4184) to the extent  
12 that the Secretary’s evaluation of the modification indi-  
13 cates that applying such section is necessary to implement  
14 the modification.

15 **SEC. 339. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.**

16 The project for flood control, San Antonio channel,  
17 Texas, authorized by section 203 of the Flood Control Act  
18 of 1954 (68 Stat. 1259) as part of the comprehensive plan  
19 for flood protection on the Guadalupe and San Antonio  
20 Rivers in Texas, and modified by section 103 of the Water  
21 Resources Development Act of 1976 (90 Stat. 2921), is  
22 further modified to include environmental restoration and  
23 recreation as project purposes.

1   **SEC. 340. BUCHANAN AND DICKENSON COUNTIES, VIR-**  
2                   **GINIA.**

3           The project for flood control, Levisa and Tug Forks  
4 of the Big Sandy River and Upper Cumberland River, au-  
5 thorized by section 202 of the Energy and Water Develop-  
6 ment Appropriations Act, 1981 (94 Stat. 1339), and  
7 modified by section 352 of the Water Resources Develop-  
8 ment Act of 1996 (110 Stat. 3724–3725), is further modi-  
9 fied to direct the Secretary to determine the ability of Bu-  
10 chanan and Dickenson Counties, Virginia, to pay the non-  
11 Federal share of the cost of the project based solely on  
12 the criteria specified in section 103(m)(3)(A)(i) of the  
13 Water Resources Development Act of 1986 (33 U.S.C.  
14 2213(m)(3)(A)(i)).

15   **SEC. 341. BUCHANAN, DICKENSON, AND RUSSELL COUN-**  
16                   **TIES, VIRGINIA.**

17           At the request of the John Flannagan Water Author-  
18 ity, Dickenson County, Virginia, the Secretary may reallo-  
19 cate, under section 322 of the Water Resources Develop-  
20 ment Act of 1990 (104 Stat. 4643–4644), water supply  
21 storage space in the John Flannagan Reservoir,  
22 Dickenson County, Virginia, sufficient to yield water with-  
23 drawals in amounts not to exceed 3,000,000 gallons per  
24 day in order to provide water for the communities in Bu-  
25 chanan, Dickenson, and Russell Counties, Virginia, not-  
26 withstanding the limitation in section 322(b) of such Act.

1 **SEC. 342. SANDBRIDGE BEACH, VIRGINIA BEACH, VIRGINIA.**

2 The project for beach erosion control and hurricane  
3 protection, Sandbridge Beach, Virginia Beach, Virginia,  
4 authorized by section 101(22) of the Water Resources De-  
5 velopment Act of 1992 (106 Stat. 4804), is modified to  
6 direct the Secretary to provide 50 years of periodic beach  
7 nourishment beginning on the date on which construction  
8 of the project was initiated in 1998.

9 **SEC. 343. WALLOPS ISLAND, VIRGINIA.**

10 Section 567(c) of the Water Resources Development  
11 Act of 1999 (113 Stat. 367) is amended by striking  
12 “\$8,000,000” and inserting “\$20,000,000”.

13 **SEC. 344. COLUMBIA RIVER, WASHINGTON.**

14 (a) IN GENERAL.—The project for navigation, Co-  
15 lumbia River, Washington, authorized by the first section  
16 of the Act entitled “An Act making appropriations for the  
17 construction, repair, and preservation of certain public  
18 works on rivers and harbors, and for other purposes”, ap-  
19 proved June 13, 1902 (32 Stat. 369), is modified to direct  
20 the Secretary, in the operation and maintenance of the  
21 project, to mitigate damages to the shoreline of Puget Is-  
22 land, at a total cost of \$1,000,000.

23 (b) ALLOCATION.—The cost of the mitigation shall  
24 be allocated as an operation and maintenance cost of the  
25 Federal navigation project.

1   **SEC. 345. MOUNT ST. HELENS, WASHINGTON.**

2           The project for sediment control, Mount St. Helens,  
3   Washington, authorized by chapter IV of title I of the  
4   Supplemental Appropriations Act, 1985 (99 Stat. 318–  
5   319), is modified to authorize the Secretary to provide  
6   such cost-effective, environmentally acceptable measures  
7   as are necessary to maintain the flood protection levels  
8   for Longview, Kelso, Lexington, and Castle Rock on the  
9   Cowlitz River, Washington, identified in the October 1985  
10   report of the Chief of Engineers entitled “Mount St. Hel-  
11   ens, Washington, Decision Document (Toutle, Cowlitz,  
12   and Columbia Rivers)”, printed as House Document num-  
13   ber 99–135.

14   **SEC. 346. RENTON, WASHINGTON.**

15           (a) MAXIMUM FEDERAL EXPENDITURE.—The max-  
16   imum amount of Federal funds that may be expended for  
17   the project for flood control, Renton, Washington, carried  
18   out under section 205 of the Flood Control Act of 1948,  
19   shall be \$5,300,000.

20           (b) REVISION OF PROJECT COOPERATION AGREE-  
21   MENT.—The Secretary shall revise the project cooperation  
22   agreement for the project described in subsection (a) to  
23   take into account the change in the Federal participation  
24   in the project in accordance with this section.

25           (c) REIMBURSEMENT.—The Secretary may reim-  
26   burse the non-Federal interest for the project described

1 in subsection (a) for costs incurred to mitigate over-  
2 dredging.

3 **SEC. 347. GREENBRIER BASIN, WEST VIRGINIA.**

4 Section 579(c) of the Water Resources Development  
5 Act of 1996 (110 Stat. 3790) is amended by striking  
6 “\$12,000,000” and inserting “\$73,000,000”.

7 **SEC. 348. LOWER MUD RIVER, MILTON, WEST VIRGINIA.**

8 The project for flood damage reduction, Lower Mud  
9 River, Milton, West Virginia, authorized by section 580  
10 of the Water Resources Development Act of 1996 (110  
11 Stat. 3790), is modified to direct the Secretary to carry  
12 out the project substantially in accordance with the plans,  
13 and subject to the conditions, described in the watershed  
14 plan prepared by the Natural Resources Conservation  
15 Service for the project, dated 1992.

16 **SEC. 349. WATER QUALITY PROJECTS.**

17 Section 307(a) of the Water Resources Development  
18 Act of 1992 (106 Stat. 4841) is amended by striking “Jef-  
19 ferson and Orleans Parishes” and inserting “Jefferson,  
20 Orleans, and St. Tammany Parishes”.

21 **SEC. 350. PROJECT REAUTHORIZATIONS.**

22 (a) IN GENERAL.—Each of the following projects  
23 may be carried out by the Secretary, and no construction  
24 on any such project may be initiated until the Secretary  
25 determines that the project is technically sound, environ-



1 mentally acceptable, and economically justified, as appro-  
2 priate:

3           (1)     NARRAGUAGUS     RIVER,     MILBRIDGE,  
4     MAINE.—Only for the purpose of maintenance as an-  
5     chorage, those portions of the project for navigation,  
6     Narraguagus River, Milbridge, Maine, authorized by  
7     section 2 of the Act entitled “An Act making appro-  
8     priations for the construction, repair, completion,  
9     and preservation of certain works on rivers and har-  
10    bors, and for other purposes”, approved June 14,  
11    1880 (21 Stat. 195), and deauthorized under section  
12    101 of the River and Harbor Act of 1962 (75 Stat.  
13    1173), lying adjacent to and outside the limits of the  
14    11-foot and 9-foot channel authorized as part of the  
15    project for navigation, authorized by such section  
16    101, as follows:

17           (A) An area located east of the 11-foot  
18           channel starting at a point with coordinates  
19           N248,060.52, E668,236.56, thence running  
20           south 36 degrees 20 minutes 52.3 seconds east  
21           1567.242 feet to a point N246,798.21,  
22           E669,165.44, thence running north 51 degrees  
23           30 minutes 06.2 seconds west 839.855 feet to  
24           a point N247,321.01, E668,508.15, thence run-

1           ning north 20 degrees 09 minutes 58.1 seconds  
2           west 787.801 feet to the point of origin.

3           (B) An area located west of the 9-foot  
4           channel starting at a point with coordinates  
5           N249,673.29, E667,537.73, thence running  
6           south 20 degrees 09 minutes 57.8 seconds east  
7           1341.616 feet to a point N248,413.92,  
8           E668,000.24, thence running south 01 degrees  
9           04 minutes 26.8 seconds east 371.688 feet to a  
10          point N248,042.30, E668,007.21, thence run-  
11          ning north 22 degrees 21 minutes 20.8 seconds  
12          west 474.096 feet to a point N248,480.76,  
13          E667,826.88, thence running north 79 degrees  
14          09 minutes 31.6 seconds east 100.872 feet to a  
15          point N248,499.73, E667,925.95, thence run-  
16          ning north 13 degrees 47 minutes 27.6 seconds  
17          west 95.126 feet to a point N248,592.12,  
18          E667,903.28, thence running south 79 degrees  
19          09 minutes 31.6 seconds west 115.330 feet to  
20          a point N248,570.42, E667,790.01, thence run-  
21          ning north 22 degrees 21 minutes 20.8 seconds  
22          west 816.885 feet to a point N249,325.91,  
23          E667,479.30, thence running north 07 degrees  
24          03 minutes 00.3 seconds west 305.680 feet to  
25          a point N249,629.28, E667,441.78, thence run-

1           ning north 65 degrees 21 minutes 33.8 seconds  
2           east 105.561 feet to the point of origin.

3           (2) CEDAR BAYOU, TEXAS.—The project for  
4           navigation, Cedar Bayou, Texas, authorized by the  
5           first section of the Act entitled “An Act making ap-  
6           propriations for the construction, repair, and preser-  
7           vation of certain public works on rivers and harbors,  
8           and for other purposes”, approved September 19,  
9           1890 (26 Stat. 444), and modified by the first sec-  
10          tion of the Act entitled “An Act authorizing the con-  
11          struction, repair, and preservation of certain public  
12          works on rivers and harbors, and for other pur-  
13          poses”, approved July 3, 1930 (46 Stat. 926), and  
14          deauthorized by section 1002 of the Water Re-  
15          sources Development Act of 1986 (100 Stat. 4219),  
16          except that the project is authorized only for con-  
17          struction of a navigation channel 12 feet deep by  
18          125 feet wide from mile —2.5 (at the junction with  
19          the Houston Ship Channel) to mile 11.0 on Cedar  
20          Bayou.

21          (b) REDESIGNATION.—The following portion of the  
22          11-foot channel of the project for navigation, Narraguagus  
23          River, Milbridge, Maine, referred to in subsection (a)(1)  
24          is redesignated as anchorage: starting at a point with co-  
25          ordinates N248,413.92, E668,000.24, thence running

1 south 20 degrees 09 minutes 57.8 seconds east 1325.205  
2 feet to a point N247,169.95, E668,457.09, thence running  
3 north 51 degrees 30 minutes 05.7 seconds west 562.33  
4 feet to a point N247,520.00, E668,017.00, thence running  
5 north 01 degrees 04 minutes 26.8 seconds west 894.077  
6 feet to the point of origin.

7 **SEC. 351. CONTINUATION OF PROJECT AUTHORIZATIONS.**

8 (a) IN GENERAL.—Notwithstanding section  
9 1001(b)(2) of the Water Resources Development Act of  
10 1986 (33 U.S.C. 579a(b)(2)), the following projects shall  
11 remain authorized to be carried out by the Secretary:

12 (1) The projects for flood control, Sacramento  
13 River, California, modified by section 10 of the  
14 Flood Control Act of December 22, 1944 (58 Stat.  
15 900–901).

16 (2) The project for flood protection, Sacra-  
17 mento River from Chico Landing to Red Bluff,  
18 California, authorized by section 203 of the Flood  
19 Control Act of 1958 (72 Stat. 314).

20 (b) LIMITATION.—A project described in subsection  
21 (a) shall not be authorized for construction after the last  
22 day of the 7-year period beginning on the date of enact-  
23 ment of this Act, unless, during such period, funds have  
24 been obligated for the construction (including planning  
25 and design) of the project.

1   **SEC. 352. DECLARATION OF NONNAVIGABILITY FOR LAKE**  
2                   **ERIE, NEW YORK.**

3           (a) AREA TO BE DECLARED NONNAVIGABLE; PUB-  
4 LIC INTEREST.—Unless the Secretary finds, after con-  
5 sultation with local and regional public officials (including  
6 local and regional public planning organizations), that the  
7 proposed projects to be undertaken within the boundaries  
8 in the portions of Erie County, New York, described in  
9 subsection (b), are not in the public interest then, subject  
10 to subsection (c), those portions of such county that were  
11 once part of Lake Erie and are now filled are declared  
12 to be nonnavigable waters of the United States.

13          (b) BOUNDARIES.—The portion of Erie County, New  
14 York, referred to in subsection (a) are all that tract or  
15 parcel of land, situate in the Town of Hamburg and the  
16 City of Lackawanna, County of Erie, State of New York,  
17 being part of Lots 12, 13, 14, 15, 16, 17, 18, 19, 20,  
18 21, 22, 23, 24, and 25 of the Ogden Gore Tract and part  
19 of Lots 23, 24, and 36 of the Buffalo Creek Reservation,  
20 Township 10, Range 8 of the Holland Land Company's  
21 Survey and more particularly bounded and described as  
22 follows:

23               Beginning at a point on the westerly highway  
24           boundary of Hamburg Turnpike (66.0 feet wide),  
25           said point being 547.89 feet South 19°36'46" East  
26           from the intersection of the westerly highway bound-

1       ary of Hamburg Turnpike (66.0 feet wide) and the  
2       northerly line of the City of Lackawanna (also being  
3       the southerly line of the City of Buffalo); thence  
4       South  $19^{\circ}36'46''$  East along the westerly highway  
5       boundary of Hamburg Turnpike (66.0 feet wide) a  
6       distance of 628.41 feet; thence along the westerly  
7       highway boundary of Hamburg Turnpike as appro-  
8       priated by the New York State Department of Pub-  
9       lic Works as shown on Map No. 40-R2, Parcel No.  
10      44 the following 20 courses and distances:

11               (1) South  $10^{\circ}00'07''$  East a distance of  
12               164.30 feet;

13               (2) South  $18^{\circ}40'45''$  East a distance of  
14               355.00 feet;

15               (3) South  $71^{\circ}23'35''$  West a distance of  
16               2.00 feet;

17               (4) South  $18^{\circ}40'45''$  East a distance of  
18               223.00 feet;

19               (5) South  $22^{\circ}29'36''$  East a distance of  
20               150.35 feet;

21               (6) South  $18^{\circ}40'45''$  East a distance of  
22               512.00 feet;

23               (7) South  $16^{\circ}49'53''$  East a distance of  
24               260.12 feet;

- 1 (8) South  $18^{\circ}34'20''$  East a distance of
- 2 793.00 feet;
- 3 (9) South  $71^{\circ}23'35''$  West a distance of
- 4 4.00 feet;
- 5 (10) South  $18^{\circ}13'24''$  East a distance of
- 6 132.00 feet;
- 7 (11) North  $71^{\circ}23'35''$  East a distance of
- 8 4.67 feet;
- 9 (12) South  $18^{\circ}30'00''$  East a distance of
- 10 38.00 feet;
- 11 (13) South  $71^{\circ}23'35''$  West a distance of
- 12 4.86 feet;
- 13 (14) South  $18^{\circ}13'24''$  East a distance of
- 14 160.00 feet;
- 15 (15) South  $71^{\circ}23'35''$  East a distance of
- 16 9.80 feet;
- 17 (16) South  $18^{\circ}36'25''$  East a distance of
- 18 159.00 feet;
- 19 (17) South  $71^{\circ}23'35''$  West a distance of
- 20 3.89 feet;
- 21 (18) South  $18^{\circ}34'20''$  East a distance of
- 22 180.00 feet;
- 23 (19) South  $20^{\circ}56'05''$  East a distance of
- 24 138.11 feet;

1 (20) South  $22^{\circ}53'55''$  East a distance of  
2 272.45 feet to a point on the westerly highway  
3 boundary of Hamburg Turnpike.

4 Thence southerly along the westerly highway bound-  
5 ary of Hamburg Turnpike, South  $18^{\circ}36'25''$  East, a  
6 distance of 2228.31 feet; thence along the westerly  
7 highway boundary of Hamburg Turnpike as appro-  
8 priated by the New York State Department of Pub-  
9 lic Works as shown on Map No. 27 Parcel No. 31  
10 the following 2 courses and distances:

11 (1) South  $16^{\circ}17'25''$  East a distance of  
12 74.93 feet;

13 (2) along a curve to the right having a ra-  
14 dius of 1004.74 feet; a chord distance of 228.48  
15 feet along a chord bearing of South  $08^{\circ}12'16''$   
16 East, a distance of 228.97 feet to a point on  
17 the westerly highway boundary of Hamburg  
18 Turnpike.

19 Thence southerly along the westerly highway bound-  
20 ary of Hamburg Turnpike, South  $4^{\circ}35'35''$  West a  
21 distance of 940.87 feet; thence along the westerly  
22 highway boundary of Hamburg Turnpike as appro-  
23 priated by the New York State Department of Pub-  
24 lic Works as shown on Map No. 1 Parcel No. 1 and



1 Map No. 5 Parcel No. 7 the following 18 courses  
2 and distances:

3 (1) North  $85^{\circ}24'25''$  West a distance of  
4 1.00 feet;

5 (2) South  $7^{\circ}01'17''$  West a distance of  
6 170.15 feet;

7 (3) South  $5^{\circ}02'54''$  West a distance of  
8 180.00 feet;

9 (4) North  $85^{\circ}24'25''$  West a distance of  
10 3.00 feet;

11 (5) South  $5^{\circ}02'54''$  West a distance of  
12 260.00 feet;

13 (6) South  $5^{\circ}09'11''$  West a distance of  
14 110.00 feet;

15 (7) South  $0^{\circ}34'35''$  West a distance of  
16 110.27 feet;

17 (8) South  $4^{\circ}50'37''$  West a distance of  
18 220.00 feet;

19 (9) South  $4^{\circ}50'37''$  West a distance of  
20 365.00 feet;

21 (10) South  $85^{\circ}24'25''$  East a distance of  
22 5.00 feet;

23 (11) South  $4^{\circ}06'20''$  West a distance of  
24 67.00 feet;

1 (12) South  $6^{\circ}04'35''$  West a distance of  
2 248.08 feet;

3 (13) South  $3^{\circ}18'27''$  West a distance of  
4 52.01 feet;

5 (14) South  $4^{\circ}55'58''$  West a distance of  
6 133.00 feet;

7 (15) North  $85^{\circ}24'25''$  West a distance of  
8 1.00 feet;

9 (16) South  $4^{\circ}55'58''$  West a distance of  
10 45.00 feet;

11 (17) North  $85^{\circ}24'25''$  West a distance of  
12 7.00 feet;

13 (18) South  $4^{\circ}56'12''$  West a distance of  
14 90.00 feet.

15 Thence continuing along the westerly highway  
16 boundary of Lake Shore Road as appropriated by  
17 the New York State Department of Public Works as  
18 shown on Map No. 7, Parcel No. 7 the following 2  
19 courses and distances:

20 (1) South  $4^{\circ}55'58''$  West a distance of  
21 127.00 feet;

22 (2) South  $2^{\circ}29'25''$  East a distance of  
23 151.15 feet to a point on the westerly former  
24 highway boundary of Lake Shore Road.

1       Thence southerly along the westerly formerly high-  
2       way boundary of Lake Shore Road, South  $4^{\circ}35'35''$   
3       West a distance of 148.90 feet; thence along the  
4       westerly highway boundary of Lake Shore Road as  
5       appropriated by the New York State Department of  
6       Public Works as shown on Map No. 7, Parcel No.  
7       8 the following 3 courses and distances:

8               (1) South  $55^{\circ}34'35''$  West a distance of  
9       12.55 feet;

10              (2) South  $4^{\circ}35'35''$  West a distance of  
11       118.50 feet;

12              (3) South  $3^{\circ}04'00''$  West a distance of  
13       62.95 feet to a point on the south line of the  
14       lands of South Buffalo Railway Company.

15       Thence southerly and easterly along the lands of  
16       South Buffalo Railway Company the following 5  
17       courses and distances:

18              (1) North  $89^{\circ}25'14''$  West a distance of  
19       697.64 feet;

20              (2) along a curve to the left having a ra-  
21       dius of 645.0 feet; a chord distance of 214.38  
22       feet along a chord bearing of South  $40^{\circ}16'48''$   
23       West, a distance of 215.38 feet;

24              (3) South  $30^{\circ}42'49''$  West a distance of  
25       76.96 feet;

1 (4) South  $22^{\circ}06'03''$  West a distance of  
2 689.43 feet;

3 (5) South  $36^{\circ}09'23''$  West a distance of  
4 30.93 feet to the northerly line of the lands of  
5 Buffalo Crushed Stone, Inc.

6 Thence North  $87^{\circ}13'38''$  West a distance of  
7 2452.08 feet to the shore line of Lake Erie; thence  
8 northerly along the shore of Lake Erie the following  
9 43 courses and distances:

10 (1) North  $16^{\circ}29'53''$  West a distance of  
11 267.84 feet;

12 (2) North  $24^{\circ}25'00''$  West a distance of  
13 195.01 feet;

14 (3) North  $26^{\circ}45'00''$  West a distance of  
15 250.00 feet;

16 (4) North  $31^{\circ}15'00''$  West a distance of  
17 205.00 feet;

18 (5) North  $21^{\circ}35'00''$  West a distance of  
19 110.00 feet;

20 (6) North  $44^{\circ}00'53''$  West a distance of  
21 26.38 feet;

22 (7) North  $33^{\circ}49'18''$  West a distance of  
23 74.86 feet;

24 (8) North  $34^{\circ}26'26''$  West a distance of  
25 12.00 feet;

- 1 (9) North  $31^{\circ}06'16''$  West a distance of
- 2 72.06 feet;
- 3 (10) North  $22^{\circ}35'00''$  West a distance of
- 4 150.00 feet;
- 5 (11) North  $16^{\circ}35'00''$  West a distance of
- 6 420.00 feet;
- 7 (12) North  $21^{\circ}10'00''$  West a distance of
- 8 440.00 feet;
- 9 (13) North  $17^{\circ}55'00''$  West a distance of
- 10 340.00 feet;
- 11 (14) North  $28^{\circ}05'00''$  West a distance of
- 12 375.00 feet;
- 13 (15) North  $16^{\circ}25'00''$  West a distance of
- 14 585.00 feet;
- 15 (16) North  $22^{\circ}10'00''$  West a distance of
- 16 160.00 feet;
- 17 (17) North  $2^{\circ}46'36''$  West a distance of
- 18 65.54 feet;
- 19 (18) North  $16^{\circ}01'08''$  West a distance of
- 20 70.04 feet;
- 21 (19) North  $49^{\circ}07'00''$  West a distance of
- 22 79.00 feet;
- 23 (20) North  $19^{\circ}16'00''$  West a distance of
- 24 425.00 feet;

- 1 (21) North  $16^{\circ}37'00''$  West a distance of
- 2 285.00 feet;
- 3 (22) North  $25^{\circ}20'00''$  West a distance of
- 4 360.00 feet;
- 5 (23) North  $33^{\circ}00'00''$  West a distance of
- 6 230.00 feet;
- 7 (24) North  $32^{\circ}40'00''$  West a distance of
- 8 310.00 feet;
- 9 (25) North  $27^{\circ}10'00''$  West a distance of
- 10 130.00 feet;
- 11 (26) North  $23^{\circ}20'00''$  West a distance of
- 12 315.00 feet;
- 13 (27) North  $18^{\circ}20'04''$  West a distance of
- 14 302.92 feet;
- 15 (28) North  $20^{\circ}15'48''$  West a distance of
- 16 387.18 feet;
- 17 (29) North  $14^{\circ}20'00''$  West a distance of
- 18 530.00 feet;
- 19 (30) North  $16^{\circ}40'00''$  West a distance of
- 20 260.00 feet;
- 21 (31) North  $28^{\circ}35'00''$  West a distance of
- 22 195.00 feet;
- 23 (32) North  $18^{\circ}30'00''$  West a distance of
- 24 170.00 feet;

1                   (33) North  $26^{\circ}30'00''$  West a distance of  
2                   340.00 feet;  
3                   (34) North  $32^{\circ}07'52''$  West a distance of  
4                   232.38 feet;  
5                   (35) North  $30^{\circ}04'26''$  West a distance of  
6                   17.96 feet;  
7                   (36) North  $23^{\circ}19'13''$  West a distance of  
8                   111.23 feet;  
9                   (37) North  $7^{\circ}07'58''$  West a distance of  
10                  63.90 feet;  
11                  (38) North  $8^{\circ}11'02''$  West a distance of  
12                  378.90 feet;  
13                  (39) North  $15^{\circ}01'02''$  West a distance of  
14                  190.64 feet;  
15                  (40) North  $2^{\circ}55'00''$  West a distance of  
16                  170.00 feet;  
17                  (41) North  $6^{\circ}45'00''$  West a distance of  
18                  240.00 feet;  
19                  (42) North  $0^{\circ}10'00''$  East a distance of  
20                  465.00 feet;  
21                  (43) North  $2^{\circ}00'38''$  West a distance of  
22                  378.58 feet to the northerly line of Letters Pat-  
23                  ent dated February 21, 1968 and recorded in  
24                  the Erie County Clerk's Office under Liber  
25                  7453 of Deeds at Page 45.

1       Thence North  $71^{\circ}23'35''$  East along the north line  
2       of the aforementioned Letters Patent a distance of  
3       154.95 feet to the shore line; thence along the shore  
4       line the following 6 courses and distances:

5               (1) South  $80^{\circ}14'01''$  East a distance of  
6       119.30 feet;

7               (2) North  $46^{\circ}15'13''$  East a distance of  
8       47.83 feet;

9               (3) North  $59^{\circ}53'02''$  East a distance of  
10      53.32 feet;

11              (4) North  $38^{\circ}20'43''$  East a distance of  
12      27.31 feet;

13              (5) North  $68^{\circ}12'46''$  East a distance of  
14      48.67 feet;

15              (6) North  $26^{\circ}11'47''$  East a distance of  
16      11.48 feet to the northerly line of the aforemen-  
17      tioned Letters Patent.

18      Thence along the northerly line of said Letters Pat-  
19      ent, North  $71^{\circ}23'35''$  East a distance of 1755.19  
20      feet; thence South  $35^{\circ}27'25''$  East a distance of  
21      35.83 feet to a point on the U.S. Harbor Line;  
22      thence, North  $54^{\circ}02'35''$  East along the U.S. Har-  
23      bor Line a distance of 200.00 feet; thence con-  
24      tinuing along the U.S. Harbor Line, North  
25       $50^{\circ}01'45''$  East a distance of 379.54 feet to the



1       westerly line of the lands of Gateway Trade Center,  
2       Inc.; thence along the lands of Gateway Trade Cen-  
3       ter, Inc. the following 27 courses and distances:

4               (1) South  $18^{\circ}44'53''$  East a distance of  
5       623.56 feet;

6               (2) South  $34^{\circ}33'00''$  East a distance of  
7       200.00 feet;

8               (3) South  $26^{\circ}18'55''$  East a distance of  
9       500.00 feet;

10              (4) South  $19^{\circ}06'40''$  East a distance of  
11       1074.29 feet;

12              (5) South  $28^{\circ}03'18''$  East a distance of  
13       242.44 feet;

14              (6) South  $18^{\circ}38'50''$  East a distance of  
15       1010.95 feet;

16              (7) North  $71^{\circ}20'51''$  East a distance of  
17       90.42 feet;

18              (8) South  $18^{\circ}49'20''$  East a distance of  
19       158.61 feet;

20              (9) South  $80^{\circ}55'10''$  East a distance of  
21       45.14 feet;

22              (10) South  $18^{\circ}04'45''$  East a distance of  
23       52.13 feet;

24              (11) North  $71^{\circ}07'23''$  East a distance of  
25       102.59 feet;

- 1 (12) South  $18^{\circ}41'40''$  East a distance of
- 2 63.00 feet;
- 3 (13) South  $71^{\circ}07'23''$  West a distance of
- 4 240.62 feet;
- 5 (14) South  $18^{\circ}38'50''$  East a distance of
- 6 668.13 feet;
- 7 (15) North  $71^{\circ}28'46''$  East a distance of
- 8 958.68 feet;
- 9 (16) North  $18^{\circ}42'31''$  West a distance of
- 10 1001.28 feet;
- 11 (17) South  $71^{\circ}17'29''$  West a distance of
- 12 168.48 feet;
- 13 (18) North  $18^{\circ}42'31''$  West a distance of
- 14 642.00 feet;
- 15 (19) North  $71^{\circ}17'37''$  East a distance of
- 16 17.30 feet;
- 17 (20) North  $18^{\circ}42'31''$  West a distance of
- 18 574.67 feet;
- 19 (21) North  $71^{\circ}17'29''$  East a distance of
- 20 151.18 feet;
- 21 (22) North  $18^{\circ}42'31''$  West a distance of
- 22 1156.43 feet;
- 23 (23) North  $71^{\circ}29'21''$  East a distance of
- 24 569.24 feet;

1 (24) North  $18^{\circ}30'39''$  West a distance of  
2 314.71 feet;

3 (25) North  $70^{\circ}59'36''$  East a distance of  
4 386.47 feet;

5 (26) North  $18^{\circ}30'39''$  West a distance of  
6 70.00 feet;

7 (27) North  $70^{\circ}59'36''$  East a distance of  
8 400.00 feet to the place or point of beginning.

9 Containing 1,142.958 acres.

10 (c) LIMITS ON APPLICABILITY; REGULATORY RE-  
11 QUIREMENTS.—The declaration under subsection (a) shall  
12 apply to those parts of the areas described in subsection  
13 (b) which are filled portions of Lake Erie. Any work on  
14 these filled portions is subject to all applicable Federal  
15 statutes and regulations, including sections 9 and 10 of  
16 the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 401  
17 and 403), commonly known as the River and Harbors Ap-  
18 propriation Act of 1899, section 404 of the Federal Water  
19 Pollution Control Act (33 U.S.C. 1344), and the National  
20 Environmental Policy Act of 1969.

21 (d) EXPIRATION DATE.—If, 20 years from the date  
22 of enactment of this Act, any area or part thereof de-  
23 scribed in subsection (a) of this section is not occupied  
24 by permanent structures in accordance with the require-  
25 ments set out in subsection (c) of this section, or if work

1 in connection with any activity permitted in subsection (c)  
2 is not commenced within 5 years after issuance of such  
3 permits, then the declaration of nonnavigability for such  
4 area or part thereof shall expire.

5 **SEC. 353. PROJECT DEAUTHORIZATIONS.**

6 (a) IN GENERAL.—The following projects or portions  
7 of projects are not authorized after the date of enactment  
8 of this Act:

9 (1) BLACK WARRIOR AND TOMBIGBEE RIVERS,  
10 JACKSON, ALABAMA.—The project for navigation,  
11 Black Warrior and Tombigbee Rivers, vicinity of  
12 Jackson, Alabama, authorized by section 106 of the  
13 Energy and Water Development Appropriations Act,  
14 1987 (100 Stat. 3341–199).

15 (2) SACRAMENTO DEEP WATER SHIP CHANNEL,  
16 CALIFORNIA.—The portion of the project for naviga-  
17 tion, Sacramento Deep Water Ship Channel, Cali-  
18 fornia, authorized by section 202(a) of the Water  
19 Resources Development Act of 1986 (100 Stat.  
20 4092), beginning from the confluence of the Sac-  
21 ramento River and the Barge Canal to a point 3,300  
22 feet west of the William G. Stone Lock western gate  
23 (including the William G. Stone Lock and the Bas-  
24 cule Bridge and Barge Canal). All waters within  
25 such portion of the project are declared to be non-

1 navigable waters of the United States solely for pur-  
2 poses of the General Bridge Act of 1946 (33 U.S.C.  
3 525 et seq.) and section 9 of the Act of March 3,  
4 1899 (33 U.S.C. 401), commonly known as the Riv-  
5 ers and Harbors Appropriation Act of 1899.

6 (3) BAY ISLAND CHANNEL, QUINCY, ILLI-  
7 NOIS.—The access channel across Bay Island into  
8 Quincy Bay at Quincy, Illinois, constructed under  
9 section 107 of the River and Harbor Act of 1960  
10 (33 U.S.C. 577).

11 (4) WARSAW BOAT HARBOR, ILLINOIS.—The  
12 portion of the project for navigation, Illinois Water-  
13 way, Illinois and Indiana, authorized by section 101  
14 of the River and Harbor Act of 1962 (76 Stat.  
15 1175), known as the Warsaw Boat Harbor, Illinois.

16 (5) ROCKPORT HARBOR, ROCKPORT, MASSACHU-  
17 SETTS.—The following portions of the project for  
18 navigation, Rockport Harbor, Massachusetts, carried  
19 out under section 107 of the River and Harbor Act  
20 of 1960 (33 U.S.C. 577):

21 (A) The portion of the 10-foot harbor  
22 channel the boundaries of which begin at a  
23 point with coordinates N605,741.948,  
24 E838,031.378, thence running north 36 degrees  
25 04 minutes 40.9 seconds east 123.386 feet to a

1 point N605,642.226, E838,104.039, thence  
2 running south 05 degrees 08 minutes 35.1 sec-  
3 onds east 24.223 feet to a point N605,618.100,  
4 E838,106.210, thence running north 41 degrees  
5 05 minutes 10.9 seconds west 141.830 feet to  
6 a point N605,725.000, E838,013.000, thence  
7 running north 47 degrees 19 minutes 04.1 sec-  
8 onds east 25.000 feet to the point of origin.

9 (B) The portion of the 8-foot north basin  
10 entrance channel the boundaries of which begin  
11 at a point with coordinates N605,742.699,  
12 E837,977.129, thence running south 89 degrees  
13 12 minutes 27.1 seconds east 54.255 feet to a  
14 point N605,741.948, E838,031.378, thence  
15 running south 47 degrees 19 minutes 04.1 sec-  
16 onds west 25.000 feet to a point N605,725.000,  
17 E838,013.000, thence running north 63 degrees  
18 44 minutes 19.0 seconds west 40.000 feet to  
19 the point of origin.

20 (C) The portion of the 8-foot south basin  
21 anchorage the boundaries of which begin at a  
22 point with coordinates N605,563.770,  
23 E838,111.100, thence running south 05 degrees  
24 08 minutes 35.1 seconds east 53.460 feet to a  
25 point N605,510.525, E838,115.892, thence

1 running south 52 degrees 10 minutes 55.5 sec-  
2 onds west 145.000 feet to a point  
3 N605,421.618, E838,001.348, thence running  
4 north 37 degrees 49 minutes 04.5 seconds west  
5 feet to a point N605,480.960, E837,955.287,  
6 thence running south 64 degrees 52 minutes  
7 33.9 seconds east 33.823 feet to a point  
8 N605,466.600, E837,985.910, thence running  
9 north 52 degrees 10 minutes 55.5 seconds east  
10 158.476 feet to the point of origin.

11 (6) SCITUATE HARBOR, MASSACHUSETTS.—The  
12 portion of the project for navigation, Scituate Har-  
13 bor, Massachusetts, authorized by section 101 of the  
14 River and Harbor Act of 1954 (68 Stat. 1249), con-  
15 sisting of an 8-foot anchorage basin and described  
16 as follows: Beginning at a point with coordinates  
17 N438,739.53, E810,354.75, thence running north-  
18 westerly about 200.00 feet to coordinates  
19 N438,874.02, E810,206.72, thence running north-  
20 easterly about 400.00 feet to coordinates  
21 N439,170.07, E810,475.70, thence running south-  
22 westerly about 447.21 feet to the point of origin.

23 (7) DULUTH-SUPERIOR HARBOR, MINNESOTA  
24 AND WISCONSIN.—The portion of the project for  
25 navigation, Duluth-Superior Harbor, Minnesota and

1 Wisconsin, authorized by the first section of the Act  
2 entitled “An Act making appropriations for the con-  
3 struction, repair, and preservation of certain public  
4 works on rivers and harbors, and for other pur-  
5 poses”, approved June 3, 1896 (29 Stat. 212),  
6 known as the 21st Avenue West Channel, beginning  
7 at the most southeasterly point of the channel  
8 N423074.09, E2871635.43 thence running north-  
9 northwest about 1854.83 feet along the easterly  
10 limit of the project to a point N424706.69,  
11 E2870755.48, thence running northwesterly about  
12 111.07 feet to a point on the northerly limit of the  
13 project N424777.27, E2870669.46, thence west-  
14 southwest 157.88 feet along the north limit of the  
15 project to a point N424703.04, E2870530.38,  
16 thence south-southeast 1978.27 feet to the most  
17 southwesterly point N422961.45, E2871469.07,  
18 thence northeasterly 201.00 feet along the southern  
19 limit of the project to the point of origin.

20 (8) TREMLEY POINT, NEW JERSEY.—The por-  
21 tion of the Federal navigation channel, New York  
22 and New Jersey Channels, New York and New Jer-  
23 sey, authorized by the first section of the Act enti-  
24 tled “An Act authorizing the construction, repair,  
25 and preservation of certain public works on rivers



1       and harbors, and for other purposes”, approved Au-  
2       gust 30, 1935 (49 Stat. 1028), and modified by sec-  
3       tion 101 of the River and Harbor Act of 1950 (64  
4       Stat. 164), that consists of a 35-foot deep channel  
5       beginning at a point along the western limit of the  
6       authorized project, N644100.411, E129256.91,  
7       thence running southeasterly about 38.25 feet to a  
8       point N644068.885, E129278.565, thence running  
9       southerly about 1,163.86 feet to a point  
10      N642912.127, E129150.209, thence running south-  
11      westerly about 56.89 feet to a point N642864.09,  
12      E2129119.725, thence running northerly along the  
13      existing western limit of the existing project to the  
14      point of origin.

15           (9) ANGOLA, NEW YORK.—The project for ero-  
16      sion protection, Angola Water Treatment Plant, An-  
17      gola, New York, constructed under section 14 of the  
18      Flood Control Act of 1946 (33 U.S.C. 701r).

19           (10) WALLABOUT CHANNEL, BROOKLYN, NEW  
20      YORK.—The portion of the project for navigation,  
21      Wallabout Channel, Brooklyn, New York, authorized  
22      by the first section of the Act entitled “An Act mak-  
23      ing appropriations for the construction, repair, and  
24      preservation of certain public works on rivers and  
25      harbors, and for other purposes”, approved March 3,

1       1899 (30 Stat. 1124), that is located at the north-  
2       east corner of the project and is described as follows:

3               Beginning at a point forming the northeast  
4       corner of the project and designated with the  
5       coordinate of North N 682,307.40; East  
6       638,918.10; thence along the following 6  
7       courses and distances:

8               (A) South 85 degrees, 44 minutes, 13  
9       seconds East 87.94 feet (coordinate: N  
10      682,300.86 E 639,005.80).

11              (B) North 74 degrees, 41 minutes, 30  
12      seconds East 271.54 feet (coordinate: N  
13      682,372.55 E 639,267.71).

14              (C) South 4 degrees, 46 minutes, 02  
15      seconds West 170.95 feet (coordinate: N  
16      682,202.20 E 639,253.50).

17              (D) South 4 degrees, 46 minutes, 02  
18      seconds West 239.97 feet (coordinate: N  
19      681,963.06 E 639,233.56).

20              (E) North 50 degrees, 48 minutes, 26  
21      seconds West 305.48 feet (coordinate: N  
22      682,156.10 E 638,996.80).

23              (F) North 3 degrees, 33 minutes, 25  
24      seconds East 145.04 feet (coordinate: N  
25      682,300.86 E 639,005.80).

1 (b) ROCKPORT HARBOR, MASSACHUSETTS.—The  
2 project for navigation, Rockport Harbor, Massachusetts,  
3 carried out under section 107 of the River and Harbor  
4 Act of 1960 (33 U.S.C. 577), is modified—

5 (1) to redesignate a portion of the 8-foot north  
6 outer anchorage as part of the 8-foot approach chan-  
7 nel to the north inner basin described as follows: the  
8 perimeter of the area starts at a point with coordi-  
9 nates N605,792.110, E838,020.009, thence running  
10 south 89 degrees 12 minutes 27.1 seconds east  
11 64.794 feet to a point N605,791.214,  
12 E838,084.797, thence running south 47 degrees 18  
13 minutes 54.0 seconds west 40.495 feet to a point  
14 N605,763.760, E838,055.030, thence running north  
15 68 degrees 26 minutes 49.0 seconds west 43.533  
16 feet to a point N605,779.750, E838,014.540, thence  
17 running north 23 degrees 52 minutes 08.4 seconds  
18 east 13.514 feet to the point of origin; and

19 (2) to realign a portion of the 8-foot north  
20 inner basin approach channel by adding an area de-  
21 scribed as follows: the perimeter of the area starts  
22 at a point with coordinates N605,792.637,  
23 E837,981.920, thence running south 89 degrees 12  
24 minutes 27.1 seconds east 38.093 feet to a point  
25 N605,792.110, E838,020.009, thence running south

1       23 degrees 52 minutes 08.4 seconds west 13.514  
2       feet to a point N605,779.752, E838,014.541, thence  
3       running north 68 degrees 26 minutes 49.0 seconds  
4       west 35.074 feet to the point of origin.

5   **SEC. 354. WYOMING VALLEY, PENNSYLVANIA.**

6       (a) IN GENERAL.—The project for flood control, Wy-  
7       oming Valley, Pennsylvania, authorized by section 401(a)  
8       of the Water Resources Development Act of 1986 (100  
9       Stat. 4124) is modified as provided in this section.

10      (b) ADDITIONAL PROJECT ELEMENTS.—The Sec-  
11      retary shall construct each of the following additional ele-  
12      ments of the project to the extent that the Secretary deter-  
13      mines that the element is technically feasible, environ-  
14      mentally acceptable, and economically justified:

15           (1) The River Commons plan developed by the  
16           non-Federal sponsor for both sides of the Susque-  
17           hanna River beside historic downtown Wilkes-Barre.

18           (2) Necessary portal modifications to the  
19           project to allow at grade access from Wilkes-Barre  
20           to the Susquehanna River to facilitate operation,  
21           maintenance, replacement, repair, and rehabilitation  
22           of the project and to restore access to the Susque-  
23           hanna River for the public.

1           (3) A concrete capped sheet pile wall in lieu of  
2       raising an earthen embankment to reduce the dis-  
3       turbance to the Historic River Commons area.

4           (4) All necessary modifications to the  
5       Stormwater Pump Stations in Wyoming Valley.

6           (5) All necessary evaluations and modifications  
7       to all elements of the existing flood control projects  
8       to include Coal Creek, Toby Creek, Abrahams Creek,  
9       and various relief culverts and penetrations through  
10      the levee.

11       (c) CREDIT.—The Secretary shall credit the Luzerne  
12   County Flood Protection Authority toward the non-Fed-  
13   eral share of the cost of the project for the value of the  
14   Forty-Fort ponding basin area purchased after June 1,  
15   1972, by Luzerne County, Pennsylvania, for an estimated  
16   cost of \$500,000 under section 102(w) of the Water Re-  
17   sources Development Act of 1992 (102 Stat. 508) to the  
18   extent that the Secretary determines that the area pur-  
19   chased is integral to the project.

20       (d) MODIFICATION OF MITIGATION PLAN AND  
21   PROJECT COOPERATION AGREEMENT.—

22           (1) MODIFICATION OF MITIGATION PLAN.—The  
23   Secretary shall provide for the deletion, from the  
24   Mitigation Plan for the Wyoming Valley Levees, ap-  
25   proved by the Secretary on February 15, 1996, the

1       proposal to remove the abandoned Bloomsburg Rail-  
2       road Bridge.

3               (2) MODIFICATION OF PROJECT COOPERATION  
4       AGREEMENT.—The Secretary shall modify the  
5       project cooperation agreement, executed in October  
6       1996, to reflect removal of the railroad bridge and  
7       its \$1,800,000 total cost from the mitigation plan  
8       under paragraph (1).

9       (e) MAXIMUM PROJECT COST.—The total cost of the  
10      project, as modified by this section, shall not exceed the  
11      amount authorized in section 401(a) of the Water Re-  
12      sources Development Act of 1986 (100 Stat. 4124), with  
13      increases authorized by section 902 of the Water Re-  
14      sources Development Act of 1986 (100 Stat. 4183).

15   **SEC. 355. REHOBOTH BEACH AND DEWEY BEACH, DELA-**  
16               **WARE.**

17       The project for storm damage reduction and shore-  
18      line protection, Rehoboth Beach and Dewey Beach, Dela-  
19      ware, authorized by section 101(b)(6) of the Water Re-  
20      sources development Act of 1996, is modified to authorize  
21      the project at a total cost of \$13,997,000, with an esti-  
22      mated Federal cost of \$9,098,000 and an estimated non-  
23      Federal cost of \$4,899,000, and an estimated average an-  
24      nual cost of \$1,320,000 for periodic nourishment over the  
25      50-year life of the project, with an estimated annual Fed-

1 eral cost of \$858,000 and an estimated annual non-Fed-  
2 eral cost of \$462,000.

### 3 **TITLE IV—STUDIES**

#### 4 **SEC. 401. STUDIES OF COMPLETED PROJECTS.**

5 The Secretary shall conduct a study under section  
6 216 of the Flood Control Act of 1970 (84 Stat. 1830)  
7 of each of the following completed projects:

8 (1) ESCAMBIA BAY AND RIVER, FLORIDA.—  
9 Project for navigation, Escambia Bay and River,  
10 Florida.

11 (2) ILLINOIS RIVER, HAVANA, ILLINOIS.—  
12 Project for flood control, Illinois River, Havana, Illi-  
13 nois, authorized by section 5 of the Flood Control  
14 Act of June 22, 1936 (49 Stat. 1583).

15 (3) SPRING LAKE, ILLINOIS.—Project for flood  
16 control, Spring Lake, Illinois, authorized by section  
17 5 of the Flood Control Act of June 22, 1936 (49  
18 Stat. 1584).

19 (4) PORT ORFORD, OREGON.—Project for flood  
20 control, Port Orford, Oregon, authorized by section  
21 301 of River and Harbor Act of 1965 (79 Stat.  
22 1092).

#### 23 **SEC. 402. WATERSHED AND RIVER BASIN ASSESSMENTS.**

24 Section 729 of the Water Resources Development Act  
25 of 1986 (100 Stat. 4164) is amended to read as follows:

1   **“SEC. 729. WATERSHED AND RIVER BASIN ASSESSMENTS.**

2           “(a) IN GENERAL.—The Secretary may assess the  
3   water resources needs of interstate river basins and water-  
4   sheds of the United States. The assessments shall be un-  
5   dertaken in cooperation and coordination with the Depart-  
6   ments of the Interior, Agriculture, and Commerce, the En-  
7   vironmental Protection Agency, and other appropriate  
8   agencies, and may include an evaluation of ecosystem pro-  
9   tection and restoration, flood damage reduction, naviga-  
10   tion and port needs, watershed protection, water supply,  
11   and drought preparedness.

12          “(b) CONSULTATION.—The Secretary shall consult  
13   with Federal, tribal, State, interstate, and local govern-  
14   mental entities in carrying out the assessments authorized  
15   by this section. In conducting the assessments, the Sec-  
16   retary may accept contributions of services, materials,  
17   supplies and cash from Federal, tribal, State, interstate,  
18   and local governmental entities where the Secretary deter-  
19   mines that such contributions will facilitate completion of  
20   the assessments.

21          “(c) PRIORITY CONSIDERATION.—The Secretary  
22   shall give priority consideration to the following interstate  
23   river basins and watersheds:

24               “(1) Delaware River.

25               “(2) Potomac River.

26               “(3) Susquehanna River.



1 “(4) Kentucky River.

2 “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
3 is authorized to be appropriated to carry out this section  
4 \$15,000,000.”.

5 **SEC. 403. LOWER MISSISSIPPI RIVER RESOURCE ASSESS-**  
6 **MENT.**

7 (a) ASSESSMENTS.—The Secretary, in cooperation  
8 with the Secretary of the Interior and the States of Arkan-  
9 sas, Illinois, Kentucky, Louisiana, Mississippi, Missouri,  
10 and Tennessee, shall undertake, at Federal expense, for  
11 the Lower Mississippi River system—

12 (1) an assessment of information needed for  
13 river-related management;

14 (2) an assessment of natural resource habitat  
15 needs; and

16 (3) an assessment of the need for river-related  
17 recreation and access.

18 (b) PERIOD.—Each assessment referred to in sub-  
19 section (a) shall be carried out for 2 years.

20 (c) REPORTS.—Before the last day of the second year  
21 of an assessment under subsection (a), the Secretary, in  
22 cooperation with the Secretary of the Interior and the  
23 States of Arkansas, Illinois, Kentucky, Louisiana, Mis-  
24 sissippi, Missouri, and Tennessee, shall transmit to Con-

1 gress a report on the results of the assessment to Con-  
2 gress. The report shall contain recommendations for—

3 (1) the collection, availability, and use of infor-  
4 mation needed for river-related management;

5 (2) the planning, construction, and evaluation  
6 of potential restoration, protection, and enhancement  
7 measures to meet identified habitat needs; and

8 (3) potential projects to meet identified river  
9 access and recreation needs.

10 (d) LOWER MISSISSIPPI RIVER SYSTEM DEFINED.—

11 In this section, the term “Lower Mississippi River system”  
12 means those river reaches and adjacent floodplains within  
13 the Lower Mississippi River alluvial valley having commer-  
14 cial navigation channels on the Mississippi mainstem and  
15 tributaries south of Cairo, Illinois, and the Atchafalaya  
16 basin floodway system.

17 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
18 authorized to be appropriated \$1,750,000 to carry out this  
19 section.

20 **SEC. 404. UPPER MISSISSIPPI RIVER BASIN SEDIMENT AND**  
21 **NUTRIENT STUDY.**

22 (a) IN GENERAL.—The Secretary shall conduct, at  
23 Federal expense, a study—

1           (1) to identify significant sources of sediment  
2           and nutrients in the Upper Mississippi River basin;  
3           and

4           (2) to describe and evaluate the processes by  
5           which the sediments and nutrients move, on land  
6           and in water, from their sources to the Upper Mis-  
7           sissippi River and its tributaries.

8           (b) CONSULTATION.—In conducting the study, the  
9           Secretary shall consult the Departments of Agriculture  
10          and the Interior.

11          (c) COMPONENTS OF THE STUDY.—

12           (1) COMPUTER MODELING.—As part of the  
13           study, the Secretary shall develop computer models  
14           at the subwatershed and basin level to identify and  
15           quantify the sources of sediment and nutrients and  
16           to examine the effectiveness of alternative manage-  
17           ment measures.

18           (2) RESEARCH.—As part of the study, the Sec-  
19           retary shall conduct research to improve under-  
20           standing of—

21           (A) the processes affecting sediment and  
22           nutrient (with emphasis on nitrogen and phos-  
23           phorus) movement;

24           (B) the influences of soil type, slope, cli-  
25           mate, vegetation cover, and modifications to the

1 stream drainage network on sediment and nu-  
2 trient losses; and

3 (C) river hydrodynamics in relation to sedi-  
4 ment and nutrient transformations, retention,  
5 and movement.

6 (d) USE OF INFORMATION.—Upon request of a Fed-  
7 eral agency, the Secretary may provide information to the  
8 agency for use in sediment and nutrient reduction pro-  
9 grams associated with land use and land management  
10 practices.

11 (e) REPORT TO CONGRESS.—Not later than 3 years  
12 after the date of enactment of this Act, the Secretary shall  
13 transmit to Congress a report on the results of the study,  
14 including findings and recommendations.

15 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
16 authorized to be appropriated to carry out this section  
17 \$10,000,000.

18 **SEC. 405. UPPER MISSISSIPPI RIVER COMPREHENSIVE**  
19 **PLAN.**

20 Section 459(e) of the Water Resources Development  
21 Act of 1999 (113 Stat. 333) is amended by striking “date  
22 of enactment of this Act” and inserting “first date on  
23 which funds are appropriated to carry out this section.”.

1   **SEC. 406. OHIO RIVER SYSTEM.**

2           The Secretary may conduct a study of commodity  
3 flows on the Ohio River system at Federal expense. The  
4 study shall include an analysis of the commodities trans-  
5 ported on the Ohio River system, including information  
6 on the origins and destinations of these commodities and  
7 market trends, both national and international.

8   **SEC. 407. EASTERN ARKANSAS.**

9           (a) IN GENERAL.—The Secretary shall reevaluate the  
10 recommendations in the Eastern Arkansas Region Com-  
11 prehensive Study of the Memphis District Engineer, dated  
12 August 1990, to determine whether the plans outlined in  
13 the study for agricultural water supply from the Little Red  
14 River, Arkansas, are feasible and in the Federal interest.

15          (b) REPORT.—Not later than September 30, 2001,  
16 the Secretary shall transmit to Congress a report on the  
17 results of the reevaluation.

18   **SEC. 408. RUSSELL, ARKANSAS.**

19          (a) IN GENERAL.—The Secretary shall evaluate the  
20 preliminary investigation report for agricultural water  
21 supply, Russell, Arkansas, entitled “Preliminary Inves-  
22 tigation: Lone Star Management Project”, prepared for  
23 the Lone Star Water Irrigation District, to determine  
24 whether the plans contained in the report are feasible and  
25 in the Federal interest.

1 (b) REPORT.—Not later than September 30, 2001,  
2 the Secretary shall transmit to Congress a report on the  
3 results of the evaluation.

4 **SEC. 409. ESTUDILLO CANAL, SAN LEANDRO, CALIFORNIA.**

5 The Secretary shall conduct a study to determine the  
6 feasibility of carrying out a project for flood damage re-  
7 duction along the Estudillo Canal, San Leandro, Cali-  
8 fornia.

9 **SEC. 410. LAGUNA CREEK, FREMONT, CALIFORNIA.**

10 The Secretary shall conduct a study to determine the  
11 feasibility of carrying out a project for flood damage re-  
12 duction in the Laguna Creek watershed, Fremont, Cali-  
13 fornia.

14 **SEC. 411. LAKE MERRITT, OAKLAND, CALIFORNIA.**

15 The Secretary shall conduct a study to determine the  
16 feasibility of carrying out a project for ecosystem restora-  
17 tion, flood damage reduction, and recreation at Lake Mer-  
18 ritt, Oakland, California.

19 **SEC. 412. LANCASTER, CALIFORNIA.**

20 (a) IN GENERAL.—The Secretary shall evaluate the  
21 report of the city of Lancaster, California, entitled “Mas-  
22 ter Plan of Drainage”, to determine whether the plans  
23 contained in the report are feasible and in the Federal  
24 interest, including plans relating to drainage corridors lo-

1 cated at 52nd Street West, 35th Street West, North  
2 Armargosa, and 20th Street East.

3 (b) REPORT.—Not later than September 30, 2001,  
4 the Secretary shall transmit to Congress a report on the  
5 results of the evaluation.

6 **SEC. 413. NAPA COUNTY, CALIFORNIA.**

7 (a) STUDY.—The Secretary shall conduct a study to  
8 determine the feasibility of carrying out a project to ad-  
9 dress water supply, water quality, and groundwater prob-  
10 lems at Miliken, Sarco, and Tulocay Creeks in Napa  
11 County, California.

12 (b) USE OF EXISTING DATA.—In conducting the  
13 study, the Secretary shall use data and information devel-  
14 oped by the United States Geological Survey in the report  
15 entitled “Geohydrologic Framework and Hydrologic Budg-  
16 et of the Lower Miliken-Sarco-Tulocay Creeks Area of  
17 Napa, California”.

18 **SEC. 414. OCEANSIDE, CALIFORNIA.**

19 The Secretary shall conduct a study, at Federal ex-  
20 pense, to determine the feasibility of carrying out a project  
21 for shoreline protection at Oceanside, California. In con-  
22 ducting the study, the Secretary shall determine the por-  
23 tion of beach erosion that is the result of a Navy naviga-  
24 tion project at Camp Pendleton Harbor, California.

1 **SEC. 415. SUISUN MARSH, CALIFORNIA.**

2 The investigation for Suisun Marsh, California, au-  
3 thorized under the Energy and Water Development Ap-  
4 propriations Act, 2000 (Public Law 106–60), shall be lim-  
5 ited to evaluating the feasibility of the levee enhancement  
6 and managed wetlands protection program for Suisun  
7 Marsh, California.

8 **SEC. 416. LAKE ALLATOONA WATERSHED, GEORGIA.**

9 Section 413 of the Water Resources Development Act  
10 of 1999 (113 Stat. 324) is amended to read as follows:

11 **“SEC. 413. LAKE ALLATOONA WATERSHED, GEORGIA.**

12 “(a) IN GENERAL.—The Secretary shall conduct a  
13 comprehensive study of the Lake Allatoona watershed,  
14 Georgia, to determine the feasibility of undertaking eco-  
15 system restoration and resource protection measures.

16 “(b) MATTERS TO BE ADDRESSED.—The study shall  
17 address streambank and shoreline erosion, sedimentation,  
18 water quality, fish and wildlife habitat degradation and  
19 other problems relating to ecosystem restoration and re-  
20 source protection in the Lake Allatoona watershed.”.

21 **SEC. 417. CHICAGO RIVER, CHICAGO, ILLINOIS.**

22 (a) IN GENERAL.—The Secretary shall conduct a  
23 study to determine the feasibility of carrying out a project  
24 for shoreline protection along the Chicago River, Chicago,  
25 Illinois.



1 (b) CONSULTATION.—In conducting the study, the  
2 Secretary shall consult, and incorporate information avail-  
3 able from, appropriate Federal, State, and local govern-  
4 ment agencies.

5 **SEC. 418. CHICAGO SANITARY AND SHIP CANAL SYSTEM,**  
6 **CHICAGO, ILLINOIS.**

7 The Secretary shall conduct a study to determine the  
8 advisability of reducing the use of the waters of Lake  
9 Michigan to support navigation in the Chicago sanitary  
10 and ship canal system, Chicago, Illinois.

11 **SEC. 419. LONG LAKE, INDIANA.**

12 The Secretary shall conduct a study to determine the  
13 feasibility of carrying out a project for environmental res-  
14 toration and protection, Long Lake, Indiana.

15 **SEC. 420. BRUSH AND ROCK CREEKS, MISSION HILLS AND**  
16 **FAIRWAY, KANSAS.**

17 (a) IN GENERAL.—The Secretary shall evaluate the  
18 preliminary engineering report for the project for flood  
19 control, Mission Hills and Fairway, Kansas, entitled “Pre-  
20 liminary Engineering Report: Brush Creek/Rock Creek  
21 Drainage Improvements, 66th Street to State Line Road”,  
22 to determine whether the plans contained in the report  
23 are feasible and in the Federal interest.

1 (b) REPORT.—Not later than September 30, 2001,  
2 the Secretary shall transmit to Congress a report on the  
3 results of the evaluation.

4 **SEC. 421. COASTAL AREAS OF LOUISIANA.**

5 The Secretary shall conduct a study to determine the  
6 feasibility of developing measures to floodproof major hur-  
7 ricane evacuation routes in the coastal areas of Louisiana.

8 **SEC. 422. IBERIA PORT, LOUISIANA.**

9 The Secretary shall conduct a study to determine the  
10 feasibility of carrying out a project for navigation, Iberia  
11 Port, Louisiana.

12 **SEC. 423. LAKE PONTCHARTRAIN SEAWALL, LOUISIANA.**

13 Not later than 180 days after the date of enactment  
14 of this Act, the Secretary shall complete a post-authoriza-  
15 tion change report on the project for hurricane-flood pro-  
16 tection, Lake Pontchartrain, Louisiana, authorized by sec-  
17 tion 204 of the Flood Control Act of 1965 (79 Stat. 1077),  
18 to incorporate and accomplish structural modifications to  
19 the seawall providing protection along the south shore of  
20 Lake Pontchartrain from the New Basin Canal on the  
21 west to the Inner Harbor Navigation Canal on the east.

22 **SEC. 424. LOWER ATCHAFALAYA BASIN, LOUISIANA.**

23 As part of the Lower Atchafalaya basin reevaluation  
24 study, the Secretary shall determine the feasibility of car-

1 rying out a project for flood damage reduction,  
2 Stephenville, Louisiana.

3 **SEC. 425. ST. JOHN THE BAPTIST PARISH, LOUISIANA.**

4 The Secretary shall conduct a study to determine the  
5 feasibility of carrying out a project for flood damage re-  
6 duction on the east bank of the Mississippi River in St.  
7 John the Baptist Parish, Louisiana.

8 **SEC. 426. LAS VEGAS VALLEY, NEVADA.**

9 Section 432(b) of the Water Resources Development  
10 Act of 1999 (113 Stat. 327) is amended by inserting  
11 “recreation,” after “runoff”).

12 **SEC. 427. SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEX-**  
13 **ICO.**

14 Section 433 of the Water Resources Development Act  
15 of 1999 (113 Stat. 327) is amended—

16 (1) by inserting “(a) IN GENERAL.—” before  
17 “The”; and

18 (2) by adding at the end the following:

19 “(b) EVALUATION OF FLOOD DAMAGE REDUCTION  
20 MEASURES.—In conducting the study, the Secretary shall  
21 evaluate flood damage reduction measures that would oth-  
22 erwise be excluded from the feasibility analysis based on  
23 policies of the Corps of Engineers concerning the fre-  
24 quency of flooding, the drainage area, and the amount of  
25 runoff.”.

1 **SEC. 428. BUFFALO HARBOR, BUFFALO, NEW YORK.**

2 (a) IN GENERAL.—The Secretary shall conduct a  
3 study to determine the advisability and potential impacts  
4 of declaring as nonnavigable a portion of the channel at  
5 Control Point Draw, Buffalo Harbor, Buffalo New York.

6 (b) CONTENTS.—The study conducted under this sec-  
7 tion shall include an examination of other options to meet  
8 intermodal transportation needs in the area.

9 **SEC. 429. HUDSON RIVER, MANHATTAN, NEW YORK.**

10 (a) IN GENERAL.—The Secretary shall conduct a  
11 study to determine the feasibility of establishing a Hudson  
12 River Park in Manhattan, New York City, New York. The  
13 study shall address the issues of shoreline protection, envi-  
14 ronmental protection and restoration, recreation, water-  
15 front access, and open space for the area between Battery  
16 Place and West 59th Street.

17 (b) CONSULTATION.—In conducting the study under  
18 subsection (a), the Secretary shall consult the Hudson  
19 River Park Trust.

20 (c) REPORT.—Not later than 1 year after the date  
21 of enactment of this section, the Secretary shall transmit  
22 to Congress a report on the result of the study, including  
23 a master plan for the park.

1 **SEC. 430. JAMESVILLE RESERVOIR, ONONDAGA COUNTY,**  
2 **NEW YORK.**

3 The Secretary shall conduct a study to determine the  
4 feasibility of carrying out a project for aquatic ecosystem  
5 restoration, flood damage reduction, and water quality,  
6 Jamesville Reservoir, Onondaga County, New York.

7 **SEC. 431. STEUBENVILLE, OHIO.**

8 The Secretary shall conduct a study to determine the  
9 feasibility of developing a public port along the Ohio River  
10 in the vicinity of Steubenville, Ohio.

11 **SEC. 432. GRAND LAKE, OKLAHOMA.**

12 Section 560(a) of the Water Resources Development  
13 Act of 1996 (110 Stat. 3783) is amended—

14 (1) by striking “date of enactment of this Act”  
15 and inserting “date of enactment of the Water Re-  
16 sources Development Act of 2000”; and

17 (2) by inserting “and Miami” after “Pensacola  
18 Dam”.

19 **SEC. 433. COLUMBIA SLOUGH, OREGON.**

20 Not later than 180 days after the date of enactment  
21 of this Act, the Secretary shall complete under section  
22 1135 of the Water Resource Development Act of 1986 (33  
23 U.S.C. 2309a) a feasibility study for the ecosystem res-  
24 toration project at Columbia Slough, Oregon. If the Sec-  
25 retary determines that the project is feasible, the Sec-

1 retary may carry out the project on an expedited basis  
2 under such section.

3 **SEC. 434. REEDY RIVER, GREENVILLE, SOUTH CAROLINA.**

4 The Secretary shall conduct a study to determine the  
5 feasibility of carrying out a project for aquatic ecosystem  
6 restoration, flood damage reduction, and streambank sta-  
7 bilization on the Reedy River, Cleveland Park West,  
8 Greenville, South Carolina.

9 **SEC. 435. GERMANTOWN, TENNESSEE.**

10 (a) IN GENERAL.—The Secretary shall conduct a  
11 study to determine the feasibility of carrying out a project  
12 for flood control and related purposes along Miller Farms  
13 Ditch, Howard Road Drainage, and Wolf River Lateral  
14 D, Germantown, Tennessee.

15 (b) COST SHARING.—The Secretary—

16 (1) shall credit toward the non-Federal share of  
17 the costs of the feasibility study the value of the in-  
18 kind services provided by the non-Federal interests  
19 relating to the planning, engineering, and design of  
20 the project, whether carried out before or after exe-  
21 cution of the feasibility study cost-sharing agreement  
22 if the Secretary determines the work is necessary for  
23 completion of the study; and

24 (2) for the purposes of paragraph (1), shall  
25 consider the feasibility study to be conducted as part

1 of the Memphis Metro Tennessee and Mississippi  
2 study authorized by resolution of the Committee on  
3 Transportation and Infrastructure, dated March 7,  
4 1996.

5 (c) LIMITATION.—The Secretary may not reject the  
6 project under the feasibility study based solely on a min-  
7 imum amount of stream runoff.

8 **SEC. 436. HOUSTON SHIP CHANNEL, GALVESTON, TEXAS.**

9 The Secretary shall conduct a study to determine the  
10 feasibility of constructing barge lanes adjacent to the  
11 Houston Ship Channel from Redfish Reef to Morgan  
12 Point in Galveston, Texas.

13 **SEC. 437. PARK CITY, UTAH.**

14 The Secretary shall conduct a study to determine the  
15 feasibility of carrying out a project for water supply, Park  
16 City, Utah.

17 **SEC. 438. MILWAUKEE, WISCONSIN.**

18 (a) IN GENERAL.—The Secretary shall evaluate the  
19 report for the project for flood damage reduction and envi-  
20 ronmental restoration, Milwaukee, Wisconsin, entitled  
21 “Interim Executive Summary: Menominee River Flood  
22 Management Plan”, dated September 1999, to determine  
23 whether the plans contained in the report are cost-effec-  
24 tive, technically sound, environmentally acceptable, and in  
25 the Federal interest.

1 (b) REPORT.—Not later than September 30, 2001,  
2 the Secretary shall transmit to Congress a report on the  
3 results of the evaluation.

4 **SEC. 439. UPPER DES PLAINES RIVER AND TRIBUTARIES,**  
5 **ILLINOIS AND WISCONSIN.**

6 Section 419 of the Water Resources Development Act  
7 of 1999 (113 Stat. 324–325) is amended by adding at  
8 the end the following:

9 “(d) CREDIT.—The Secretary shall provide the non-  
10 Federal interest credit toward the non-Federal share of  
11 the cost of the study for work performed by the non-Fed-  
12 eral interest before the date of the study’s feasibility cost-  
13 share agreement if the Secretary determines that the work  
14 is integral to the study.”.

15 **SEC. 440. DELAWARE RIVER WATERSHED.**

16 (a) STUDY.—The Secretary shall conduct studies and  
17 assessments to analyze the sources and impacts of sedi-  
18 ment contamination in the Delaware River watershed.

19 (b) ACTIVITIES.—Activities authorized under this  
20 section shall be conducted by a university with expertise  
21 in research in contaminated sediment sciences.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) AUTHORIZATION OF APPROPRIATIONS.—

24 There is authorized to be appropriated to the Sec-



1       retary to carry out this section \$5,000,000. Such  
2       sums shall remain available until expended.

3           (2) CORPS OF ENGINEERS EXPENSES.—10 per-  
4       cent of the amounts appropriated to carry out this  
5       section may be used by the Corps of Engineers dis-  
6       trict offices to administer and implement studies and  
7       assessments under this section.

8           **TITLE V—MISCELLANEOUS**  
9           **PROVISIONS**

10   **SEC. 501. BRIDGEPORT, ALABAMA.**

11       (a) DETERMINATION.—The Secretary shall review  
12       the construction of a channel performed by the non-Fed-  
13       eral interest at the project for navigation, Tennessee  
14       River, Bridgeport, Alabama, to determine the Federal  
15       navigation interest in such work.

16       (b) REIMBURSEMENT.—If the Secretary determines  
17       under subsection (a) that the work performed by the non-  
18       Federal interest is consistent with the Federal navigation  
19       interest, the Secretary shall reimburse the non-Federal in-  
20       terest an amount equal to the Federal share of the cost  
21       of construction of the channel.

22   **SEC. 502. DUCK RIVER, CULLMAN, ALABAMA.**

23       The Secretary shall provide technical assistance to  
24       the city of Cullman, Alabama, in the management of con-

1 struction contracts for the reservoir project on the Duck  
2 River.

3 **SEC. 503. SEWARD, ALASKA.**

4 The Secretary shall carry out, on an emergency one-  
5 time basis, necessary repairs of the Lowell Creek Tunnel  
6 in Seward, Alaska, at Federal expense and a total cost  
7 of \$3,000,000.

8 **SEC. 504. AUGUSTA AND DEVALLS BLUFF, ARKANSAS.**

9 (a) IN GENERAL.—The Secretary may operate, main-  
10 tain, and rehabilitate 37 miles of levees in and around Au-  
11 gusta and Devalls Bluff, Arkansas.

12 (b) REIMBURSEMENT.—After incurring any cost for  
13 operation, maintenance, or rehabilitation under subsection  
14 (a), the Secretary may seek reimbursement from the Sec-  
15 retary of the Interior of an amount equal to the portion  
16 of such cost that the Secretary determines is a benefit to  
17 a Federal wildlife refuge.

18 **SEC. 505. BEAVER LAKE, ARKANSAS.**

19 The contract price for additional storage for the Car-  
20 roll-Boone Water District beyond that which is provided  
21 for in section 521 of the Water Resources Development  
22 Act of 1999 (113 Stat. 345) shall be based on the original  
23 construction cost of Beaver Lake and adjusted to the 2000  
24 price level net of inflation between the date of initiation  
25 of construction and the date of enactment of this Act.

1   **SEC. 506. McCLELLAN-KERR ARKANSAS RIVER NAVIGATION**  
2                   **SYSTEM, ARKANSAS AND OKLAHOMA.**

3           Taking into account the need to realize the total eco-  
4   nomic potential of the McClellan-Kerr Arkansas River  
5   navigation system, the Secretary shall expedite completion  
6   of the Arkansas River navigation study, including the fea-  
7   sibility of increasing the authorized channel from 9 feet  
8   to 12 feet and, if justified, proceed directly to project  
9   preconstruction engineering and design.

10   **SEC. 507. CALFED BAY DELTA PROGRAM ASSISTANCE, CALI-**  
11                   **FORNIA.**

12           (a) IN GENERAL.—The Secretary may participate  
13   with appropriate Federal and State agencies in planning  
14   and management activities associated with the CALFED  
15   Bay Delta Program (in this section referred to as the  
16   “Program”) and shall, to the maximum extent practicable  
17   and in accordance with all applicable laws, integrate the  
18   activities of the Corps of Engineers in the San Joaquin  
19   and Sacramento River basins with the long-term goals of  
20   the Program.

21           (b) COOPERATIVE ACTIVITIES.—In carrying out this  
22   section, the Secretary—

23               (1) may accept and expend funds from other  
24           Federal agencies and from public, private, and non-  
25           profit entities to carry out ecosystem restoration

1 projects and activities associated with the Program;  
2 and

3 (2) may enter into contracts, cooperative re-  
4 search and development agreements, and cooperative  
5 agreements, with Federal and public, private, and  
6 non-profit entities to carry out such projects and ac-  
7 tivities.

8 (c) GEOGRAPHIC SCOPE.—For the purposes of the  
9 participation of the Secretary under this section, the geo-  
10 graphic scope of the Program shall be the San Francisco  
11 Bay and the Sacramento-San Joaquin Delta Estuary and  
12 their watershed (also known as the “Bay-Delta Estuary”),  
13 as identified in the agreement entitled the “Framework  
14 Agreement Between the Governor’s Water Policy Council  
15 of the State of California and the Federal Ecosystem Di-  
16 rectorate”.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
18 authorized to be appropriated to carry out this section  
19 \$5,000,000 for fiscal years 2002 through 2005.

20 **SEC. 508. CLEAR LAKE BASIN, CALIFORNIA.**

21 Amounts made available to the Secretary by the En-  
22 ergy and Water Appropriations Act, 2000 (113 Stat. 483  
23 et seq.) for the project for aquatic ecosystem restoration,  
24 Clear Lake basin, California, to be carried out under sec-  
25 tion 206 of the Water Resources Development Act of 1996

1 (33 U.S.C. 2330), may only be used for the wetlands res-  
2 toration and creation elements of the project.

3 **SEC. 509. CONTRA COSTA CANAL, OAKLEY AND KNIGHTSEN,**  
4 **CALIFORNIA.**

5 The Secretary shall carry out a project for flood dam-  
6 age reduction under section 205 of the Flood Control Act  
7 of 1948 (33 U.S.C. 701s) at the Contra Costa Canal, Oak-  
8 ley and Knightsen, California, if the Secretary determines  
9 that the project is technically sound, environmentally ac-  
10 ceptable, and economically justified.

11 **SEC. 510. HUNTINGTON BEACH, CALIFORNIA.**

12 The Secretary shall carry out under section 205 of  
13 the Flood Control Act of 1948 (33 U.S.C. 701s) a project  
14 for flood damage reduction in Huntington Beach, Cali-  
15 fornia, if the Secretary determines that the project is tech-  
16 nically sound, environmentally acceptable, and economi-  
17 cally justified.

18 **SEC. 511. MALLARD SLOUGH, PITTSBURG, CALIFORNIA.**

19 The Secretary shall carry out under section 205 of  
20 the Flood Control Act of 1948 (33 U.S.C. 701s) a project  
21 for flood damage reduction in Mallard Slough, Pittsburg,  
22 California, if the Secretary determines that the project is  
23 technically sound, environmentally acceptable, and eco-  
24 nomically justified.

1   **SEC. 512. PENN MINE, CALAVERAS COUNTY, CALIFORNIA.**

2           (a) IN GENERAL.—The Secretary shall reimburse the  
3 non-Federal interest for the project for aquatic ecosystem  
4 restoration, Penn Mine, Calaveras County, California, car-  
5 ried out under section 206 of the Water Resources Devel-  
6 opment Act of 1996 (33 U.S.C. 2330), \$4,100,000 for the  
7 Federal share of costs incurred by the non-Federal inter-  
8 est for work carried out by the non-Federal interest for  
9 the project.

10          (b) SOURCE OF FUNDING.—Reimbursement under  
11 subsection (a) shall be from amounts appropriated before  
12 the date of enactment of this Act for the project described  
13 in subsection (a).

14   **SEC. 513. PORT OF SAN FRANCISCO, CALIFORNIA.**

15          (a) EMERGENCY MEASURES.—The Secretary shall  
16 carry out, on an emergency basis, measures to address  
17 health, safety, and environmental risks posed by floatables  
18 and floating debris originating from Piers 24 and 64 in  
19 the Port of San Francisco, California, by removing such  
20 floatables and debris.

21          (b) STUDY.—The Secretary shall conduct a study to  
22 determine the risk to navigation posed by floatables and  
23 floating debris originating from Piers 24 and 64 in the  
24 Port of San Francisco, California, and the cost of remov-  
25 ing such floatables and debris.

1 (c) FUNDING.—There is authorized to be appro-  
2 priated \$3,000,000 to carry out this section.

3 **SEC. 514. SAN GABRIEL BASIN, CALIFORNIA.**

4 (a) SAN GABRIEL BASIN RESTORATION.—

5 (1) ESTABLISHMENT OF FUND.—There shall be  
6 established within the Treasury of the United States  
7 an interest bearing account to be known as the San  
8 Gabriel Basin Restoration Fund (in this section re-  
9 ferred to as the “Restoration Fund”).

10 (2) ADMINISTRATION OF FUND.—The Restora-  
11 tion Fund shall be administered by the Secretary, in  
12 cooperation with the San Gabriel Basin Water Qual-  
13 ity Authority or its successor agency.

14 (3) PURPOSES OF FUND.—

15 (A) IN GENERAL.—Subject to subpara-  
16 graph (B), the amounts in the Restoration  
17 Fund, including interest accrued, shall be uti-  
18 lized by the Secretary—

19 (i) to design and construct water  
20 quality projects to be administered by the  
21 San Gabriel Basin Water Quality Author-  
22 ity and the Central Basin Water Quality  
23 Project to be administered by the Central  
24 Basin Municipal Water District; and

1                   (ii) to operate and maintain any  
2                   project constructed under this section for  
3                   such period as the Secretary determines,  
4                   but not to exceed 10 years, following the  
5                   initial date of operation of the project.

6                   (B) COST-SHARING LIMITATION.—The Sec-  
7                   retary may not obligate any funds appropriated  
8                   to the Restoration Fund in a fiscal year until  
9                   the Secretary has deposited in the Fund an  
10                  amount provided by non-Federal interests suffi-  
11                  cient to ensure that at least 35 percent of any  
12                  funds obligated by the Secretary are from funds  
13                  provided to the Secretary by the non-Federal  
14                  interests. The San Gabriel Basin Water Quality  
15                  Authority shall be responsible for providing the  
16                  non-Federal amount required by the preceding  
17                  sentence. The State of California, local govern-  
18                  ment agencies, and private entities may provide  
19                  all or any portion of such amount.

20               (b) COMPLIANCE WITH APPLICABLE LAW.—In car-  
21               rying out the activities described in this section, the Sec-  
22               retary shall comply with any applicable Federal and State  
23               laws.

24               (c) RELATIONSHIP TO OTHER ACTIVITIES.—Nothing  
25               in this section shall be construed to affect other Federal



1 or State authorities that are being used or may be used  
2 to facilitate the cleanup and protection of the San Gabriel  
3 and Central groundwater basins. In carrying out the ac-  
4 tivities described in this section, the Secretary shall inte-  
5 grate such activities with ongoing Federal and State  
6 projects and activities. None of the funds made available  
7 for such activities pursuant to this section shall be counted  
8 against any Federal authorization ceiling established for  
9 any previously authorized Federal projects or activities.

10 (d) AUTHORIZATION OF APPROPRIATIONS.—

11 (1) IN GENERAL.—There is authorized to be  
12 appropriated to the Restoration Fund established  
13 under subsection (a) \$85,000,000. Such funds shall  
14 remain available until expended.

15 (2) SET-ASIDE.—Of the amounts appropriated  
16 under paragraph (1), no more than \$10,000,000  
17 shall be available to carry out the Central Basin  
18 Water Quality Project.

19 (e) ADJUSTMENT.—Of the \$25,000,000 made avail-  
20 able for San Gabriel Basin Groundwater Restoration,  
21 California, under the heading “Construction, General” in  
22 title I of the Energy and Water Development Appropria-  
23 tions Act, 2001—

24 (1) \$2,000,000 shall be available only for stud-  
25 ies and other investigative activities and planning

1 and design of projects determined by the Secretary  
2 to offer a long-term solution to the problem of  
3 groundwater contamination caused by perchlorates  
4 at sites located in the city of Santa Clarita, Cali-  
5 fornia; and

6 (2) \$23,000,000 shall be deposited in the Res-  
7 toration Fund, of which \$4,000,000 shall be used  
8 for remediation in the Central Basin, California.

9 **SEC. 515. STOCKTON, CALIFORNIA.**

10 The Secretary shall evaluate the feasibility of the  
11 Lower Mosher Slough element and the levee extensions on  
12 the Upper Calaveras River element of the project for flood  
13 control, Stockton Metropolitan Area, California, carried  
14 out under section 211(f)(3) of the Water Resources Devel-  
15 opment Act of 1996 (110 Stat. 3683), to determine the  
16 eligibility of such elements for reimbursement under sec-  
17 tion 211 of such Act (33 U.S.C. 701b-13). If the Sec-  
18 retary determines that such elements are technically  
19 sound, environmentally acceptable, and economically justi-  
20 fied, the Secretary shall reimburse under section 211 of  
21 such Act the non-Federal interest for the Federal share  
22 of the cost of such elements.

23 **SEC. 516. PORT EVERGLADES, FLORIDA.**

24 Notwithstanding the absence of a project cooperation  
25 agreement, the Secretary shall reimburse the non-Federal

1 interest for the project for navigation, Port Everglades  
2 Harbor, Florida, \$15,003,000 for the Federal share of  
3 costs incurred by the non-Federal interest in carrying out  
4 the project and determined by the Secretary to be eligible  
5 for reimbursement under the limited reevaluation report  
6 of the Corps of Engineers, dated April 1998.

7 **SEC. 517. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.**

8 (a) IN GENERAL.—In coordination with the Florida  
9 Keys Aqueduct Authority, appropriate agencies of munici-  
10 palities of Monroe County, Florida, and other appropriate  
11 public agencies of the State of Florida or Monroe County,  
12 the Secretary may provide technical and financial assist-  
13 ance to carry out projects for the planning, design, and  
14 construction of treatment works to improve water quality  
15 in the Florida Keys National Marine Sanctuary.

16 (b) CRITERIA FOR PROJECTS.—Before entering into  
17 a cooperation agreement to provide assistance with respect  
18 to a project under this section, the Secretary shall ensure  
19 that—

20 (1) the non-Federal sponsor has completed ade-  
21 quate planning and design activities, as applicable;

22 (2) the non-Federal sponsor has completed a fi-  
23 nancial plan identifying sources of non-Federal fund-  
24 ing for the project;

25 (3) the project complies with—

1 (A) applicable growth management ordi-  
2 nances of Monroe County, Florida;

3 (B) applicable agreements between Monroe  
4 County, Florida, and the State of Florida to  
5 manage growth in Monroe County, Florida; and

6 (C) applicable water quality standards; and

7 (4) the project is consistent with the master  
8 wastewater and stormwater plans for Monroe Coun-  
9 ty, Florida.

10 (c) CONSIDERATION.—In selecting projects under  
11 subsection (a), the Secretary shall consider whether a  
12 project will have substantial water quality benefits relative  
13 to other projects under consideration.

14 (d) CONSULTATION.—In carrying out this section,  
15 the Secretary shall consult with—

16 (1) the Water Quality Steering Committee es-  
17 tablished under section 8(d)(2)(A) of the Florida  
18 Keys National Marine Sanctuary and Protection Act  
19 (106 Stat. 5054);

20 (2) the South Florida Ecosystem Restoration  
21 Task Force established by section 528(f) of the  
22 Water Resources Development Act of 1996 (110  
23 Stat. 3771–3773);

1           (3) the Commission on the Everglades estab-  
2       lished by executive order of the Governor of the  
3       State of Florida; and

4           (4) other appropriate State and local govern-  
5       ment officials.

6       (e) NON-FEDERAL SHARE.—

7           (1) IN GENERAL.—The non-Federal share of  
8       the cost of a project carried out under this section  
9       shall be 35 percent.

10          (2) CREDIT.—

11           (A) IN GENERAL.—The Secretary may  
12       provide the non-Federal interest credit toward  
13       cash contributions required—

14           (i) before and during the construction  
15       of the project, for the costs of planning,  
16       engineering, and design, and for the con-  
17       struction management work that is per-  
18       formed by the non-Federal interest and  
19       that the Secretary determines is necessary  
20       to implement the project; and

21           (ii) during the construction of the  
22       project, for the construction that the non-  
23       Federal interest carries out on behalf of  
24       the Secretary and that the Secretary deter-  
25       mines is necessary to carry out the project.

1 (B) TREATMENT OF CREDIT BETWEEN  
2 PROJECTS.—Any credit provided under this  
3 paragraph may be carried over between author-  
4 ized projects.

5 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
6 authorized to be appropriated to carry out this section  
7 \$100,000,000. Such sums shall remain available until ex-  
8 pended.

9 **SEC. 518. BALLARD'S ISLAND, LASALLE COUNTY, ILLINOIS.**

10 The Secretary may provide the non-Federal interest  
11 for the project for the improvement of the quality of the  
12 environment, Ballard's Island, LaSalle County, Illinois,  
13 carried out under section 1135 of the Water Resources  
14 Development Act of 1986 (33 U.S.C 2309a), credit toward  
15 the non-Federal share of the cost of the project for work  
16 performed by the non-Federal interest after July 1, 1999,  
17 if the Secretary determines that the work is integral to  
18 the project.

19 **SEC. 519. LAKE MICHIGAN DIVERSION, ILLINOIS.**

20 Section 1142(b) of the Water Resources Development  
21 Act of 1986 (110 Stat. 4253; 113 Stat. 339) is amended  
22 by inserting after "2003" the following: "and \$800,000  
23 for each fiscal year beginning after September 30, 2003,".

1   **SEC. 520. KOONTZ LAKE, INDIANA.**

2           The Secretary shall provide the non-Federal interest  
3 for the project for aquatic ecosystem restoration, Koontz  
4 Lake, Indiana, carried out under section 206 of the Water  
5 Resources Development Act of 1996 (22 U.S.C. 2330),  
6 credit toward the non-Federal share of the cost of the  
7 project for work performed by the non-Federal interest be-  
8 fore the date of execution of the project cooperation agree-  
9 ment if the Secretary determines that the work is integral  
10 to the project.

11   **SEC. 521. CAMPBELLSVILLE LAKE, KENTUCKY.**

12          The Secretary shall repair the retaining wall and dam  
13 at Campbellsville Lake, Kentucky, to protect the public  
14 road on top of the dam at Federal expense and a total  
15 cost of \$200,000.

16   **SEC. 522. WEST VIEW SHORES, CECIL COUNTY, MARYLAND.**

17          Not later than 1 year after the date of enactment  
18 of this Act, the Secretary shall carry out an investigation  
19 of the contamination of the well system in West View  
20 Shores, Cecil County, Maryland. If the Secretary deter-  
21 mines that a disposal site for a Federal navigation project  
22 has contributed to the contamination of the well system,  
23 the Secretary may provide alternative water supplies, in-  
24 cluding replacement of wells, at Federal expense.

1   **SEC. 523. CONSERVATION OF FISH AND WILDLIFE, CHESA-**  
2                   **PEAKE BAY, MARYLAND AND VIRGINIA.**

3           Section 704(b) of the Water Resources Development  
4   Act of 1986 (33 U.S.C. 2263(b)) is amended by adding  
5   at the end the following: “In addition, there is authorized  
6   to be appropriated \$20,000,000 to carry out paragraph  
7   (4).”.

8   **SEC. 524. MUDDY RIVER, BROOKLINE AND BOSTON, MASSA-**  
9                   **CHUSETTS.**

10          The Secretary shall carry out the project for flood  
11   damage reduction and environmental restoration, Muddy  
12   River, Brookline and Boston, Massachusetts, substantially  
13   in accordance with the plans, and subject to the condi-  
14   tions, described in the draft evaluation report of the New  
15   England District Engineer entitled “Phase I Muddy River  
16   Master Plan”, dated June 2000.

17   **SEC. 525. SOO LOCKS, SAULT STE. MARIE, MICHIGAN.**

18          The Secretary may not require a cargo vessel  
19   equipped with bow thrusters and friction winches that is  
20   transiting the Soo Locks in Sault Ste. Marie, Michigan,  
21   to provide more than 2 crew members to serve as line han-  
22   dlers on the pier of a lock, except in adverse weather con-  
23   ditions or if there is a mechanical failure on the vessel.



1 **SEC. 526. DULUTH, MINNESOTA, ALTERNATIVE TECH-**  
2 **NOLOGY PROJECT.**

3 (a) PROJECT AUTHORIZATION.—Section 541(a) of  
4 the Water Resources Development Act of 1996 (110 Stat.  
5 3777) is amended—

6 (1) by striking “implement” and inserting “con-  
7 duct full scale demonstrations of”; and

8 (2) by inserting before the period the following:  
9 “, including technologies evaluated for the New  
10 York/New Jersey Harbor under section 405 of the  
11 Water Resources Development Act of 1992 (33  
12 U.S.C. 2239 note; 106 Stat. 4863)”.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
14 541(b) of such Act is amended by striking “\$1,000,000”  
15 and inserting “\$3,000,000”.

16 **SEC. 527. MINNEAPOLIS, MINNESOTA.**

17 (a) IN GENERAL.—The Secretary, in cooperation  
18 with the State of Minnesota, shall design and construct  
19 the project for environmental restoration and recreation,  
20 Minneapolis, Minnesota, substantially in accordance with  
21 the plans described in the report entitled “Feasibility  
22 Study for Mississippi Whitewater Park, Minneapolis, Min-  
23 nesota”, prepared for the Minnesota department of nat-  
24 ural resources, dated June 30, 1999.

25 (b) COST SHARING.—

1           (1) IN GENERAL.—The non-Federal share of  
2           the cost of the project shall be determined in accord-  
3           ance with title I of the Water Resources Develop-  
4           ment Act of 1986 (33 U.S.C. 2211 et seq.).

5           (2) LANDS, EASEMENTS, AND RIGHTS-OF-  
6           WAY.—The non-Federal interest shall provide all  
7           lands, easements, rights-of-way, relocations, and  
8           dredged material disposal areas necessary for con-  
9           struction of the project and shall receive credit for  
10          the cost of providing such lands, easements, rights-  
11          of-way, relocations, and dredged material disposal  
12          areas toward the non-Federal share of the cost of  
13          the project.

14          (3) OPERATION, MAINTENANCE, REPAIR, REHA-  
15          BILITATION, AND REPLACEMENT.—The operation,  
16          maintenance, repair, rehabilitation, and replacement  
17          of the project shall be a non-Federal responsibility.

18          (4) CREDIT FOR NON-FEDERAL WORK.—The  
19          non-Federal interest shall receive credit toward the  
20          non-Federal share of the cost of the project for work  
21          performed by the non-Federal interest before the  
22          date of execution of the project cooperation agree-  
23          ment if the Secretary determines that the work is in-  
24          tegral to the project.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated \$10,000,000 to carry out  
3 this section.

4 **SEC. 528. ST. LOUIS COUNTY, MINNESOTA.**

5 The Secretary shall carry out under section 204 of  
6 the Water Resources Development Act of 1992 (33 U.S.C.  
7 2326) a project in St. Louis County, Minnesota, by mak-  
8 ing beneficial use of dredged material from a Federal navi-  
9 gation project.

10 **SEC. 529. WILD RICE RIVER, MINNESOTA.**

11 The Secretary shall prepare a general reevaluation re-  
12 port on the project for flood control, Wild Rice River, Min-  
13 nesota, authorized by section 201 of the Flood Control Act  
14 of 1970 (84 Stat. 1825), and, if the Secretary determines  
15 that the project is technically sound, environmentally ac-  
16 ceptable, and economically justified, shall carry out the  
17 project. In carrying out the reevaluation, the Secretary  
18 shall include river dredging as a component of the study.

19 **SEC. 530. COASTAL MISSISSIPPI WETLANDS RESTORATION**  
20 **PROJECTS.**

21 (a) IN GENERAL.—In order to further the purposes  
22 of section 204 of the Water Resources Development Act  
23 of 1992 (33 U.S.C. 2326) and section 206 of the Water  
24 Resources Development Act of 1996 (33 U.S.C. 2330), the  
25 Secretary shall participate in restoration projects for crit-

1 ical coastal wetlands and coastal barrier islands in the  
2 State of Mississippi that will produce, consistent with ex-  
3 isting Federal programs, projects, and activities, imme-  
4 diate and substantial restoration, preservation, and eco-  
5 system protection benefits, including the beneficial use of  
6 dredged material if such use is a cost-effective means of  
7 disposal of such material.

8 (b) PROJECT SELECTION.—The Secretary, in coordi-  
9 nation with other Federal, tribal, State, and local agen-  
10 cies, may identify and implement projects described in  
11 subsection (a) after entering into an agreement with an  
12 appropriate non-Federal interest in accordance with this  
13 section.

14 (c) COST SHARING.—Before implementing any  
15 project under this section, the Secretary shall enter into  
16 a binding agreement with the non-Federal interests. The  
17 agreement shall provide that the non-Federal responsi-  
18 bility for the project shall be as follows:

19 (1) To acquire any lands, easements, rights-of-  
20 way, relocations, and dredged material disposal  
21 areas necessary for implementation of the project.

22 (2) To hold and save harmless the United  
23 States free from claims or damages due to imple-  
24 mentation of the project, except for the negligence of  
25 the Federal Government or its contractors.

1           (3) To pay 35 percent of project costs.

2           (d) NONPROFIT ENTITY.—For any project under-  
3 taken under this section, a non-Federal interest may in-  
4 clude a nonprofit entity with the consent of the affected  
5 local government.

6           (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
7 authorized to be appropriated to carry out this section  
8 \$10,000,000.

9   **SEC. 531. MISSOURI RIVER VALLEY IMPROVEMENTS.**

10          (a) MISSOURI RIVER MITIGATION PROJECT.—The  
11 project for mitigation of fish and wildlife losses, Missouri  
12 River Bank Stabilization and Navigation Project, Mis-  
13 souri, Kansas, Iowa, and Nebraska authorized by section  
14 601(a) of the Water Resources Development Act of 1986  
15 (100 Stat. 4143) and modified by section 334 of the  
16 Water Resources Development Act of 1999 (113 Stat.  
17 306), is further modified to authorize \$200,000,000 for  
18 fiscal years 2001 through 2010 to be appropriated to the  
19 Secretary for acquisition of 118,650 acres of land and in-  
20 terests in land for the project.

21          (b) UPPER MISSOURI RIVER AQUATIC AND RIPARIAN  
22 HABITAT MITIGATION PROGRAM.—

23               (1) IN GENERAL.—

24                       (A) STUDY.—The Secretary shall complete  
25 a study that analyzes the need for additional

1 measures for mitigation of losses of aquatic and  
2 terrestrial habitat from Fort Peck Dam to  
3 Sioux City, Iowa, resulting from the operation  
4 of the Missouri River Mainstem Reservoir  
5 project in the States of Nebraska, South Da-  
6 kota, North Dakota, and Montana.

7 (B) REPORT.—Not later than 2 years after  
8 the date of enactment of this Act, the Secretary  
9 shall transmit to Congress a report describing  
10 the results of the study.

11 (2) PILOT PROGRAM.—The Secretary, in con-  
12 sultation with the Director of the United States Fish  
13 and Wildlife Service and the affected State fish and  
14 wildlife agencies, shall develop and administer a pilot  
15 mitigation program that—

16 (A) involves the experimental releases of  
17 warm water from the spillways at Fort Peck  
18 Dam during the appropriate spawning periods  
19 for native fish;

20 (B) involves the monitoring of the response  
21 of fish to, and the effectiveness toward the pres-  
22 ervation of native fish and wildlife habitat as a  
23 result of, such releases; and

24 (C) requires the Secretary to provide com-  
25 pensation for any loss of hydropower at Fort

1 Peck Dam resulting from implementation of the  
2 pilot program; and

3 (D) does not effect a change in the Mis-  
4 souri River Master Water Control Manual.

5 (3) RESERVOIR FISH LOSS STUDY.—

6 (A) IN GENERAL.—The Secretary, in con-  
7 sultation with the North Dakota Game and  
8 Fish Department and the South Dakota De-  
9 partment of Game, Fish and Parks, shall com-  
10 plete a study to analyze and recommend meas-  
11 ures to avoid or reduce the loss of fish, includ-  
12 ing rainbow smelt, through Garrison Dam in  
13 North Dakota and Oahe Dam in South Dakota.

14 (B) REPORT.—Not later than 2 years after  
15 the date of enactment of this Act, the Secretary  
16 shall transmit to Congress a report describing  
17 the results of the study.

18 (4) AUTHORIZATION OF APPROPRIATIONS.—

19 There is authorized to be appropriated—

20 (A) to complete the study under paragraph  
21 (3) \$200,000; and

22 (B) to carry out the other provisions of  
23 this subsection \$1,000,000 for each of fiscal  
24 years 2001 through 2010.

1 (c) MISSOURI AND MIDDLE MISSISSIPPI RIVERS EN-  
2 HANCEMENT PROJECT.—Section 514(g) of the Water Re-  
3 sources Development Act of 1999 (113 Stat. 342) is  
4 amended to read as follows:

5 “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
6 is authorized to be appropriated to pay the Federal share  
7 of the cost of carrying out activities under this section  
8 \$5,000,000 for each of fiscal years 2001 through 2010.”.

9 **SEC. 532. NEW MADRID COUNTY, MISSOURI.**

10 For purposes of determining the non-Federal share  
11 for the project for navigation, New Madrid County Har-  
12 bor, Missouri, carried out under section 107 of the River  
13 and Harbor Act of 1960 (33 U.S.C. 577), the Secretary  
14 shall consider Phases 1 and 2 as described in the report  
15 of the District Engineer, dated February 2000, as one  
16 project and provide credit to the non-Federal interest to-  
17 ward the non-Federal share of the combined project for  
18 work performed by the non-Federal interest on Phase 1  
19 of the project.

20 **SEC. 533. PEMISCOT COUNTY, MISSOURI.**

21 The Secretary shall provide the non-Federal interest  
22 for the project for navigation, Caruthersville Harbor,  
23 Pemiscot County, Missouri, carried out under section 107  
24 of the River and Harbor Act of 1960 (33 U.S.C. 577),  
25 credit toward the non-Federal share of the cost of the



1 project for in-kind work performed by the non-Federal in-  
2 terest after December 1, 1997, if the Secretary determines  
3 that the work is integral to the project.

4 **SEC. 534. LAS VEGAS, NEVADA.**

5 (a) DEFINITIONS.—In this section, the following defi-  
6 nitions apply:

7 (1) COMMITTEE.—The term “Committee”  
8 means the Las Vegas Wash Coordinating Com-  
9 mittee.

10 (2) PLAN.—The term “Plan” means the Las  
11 Vegas Wash comprehensive adaptive management  
12 plan, developed by the Committee and dated Janu-  
13 ary 20, 2000.

14 (3) PROJECT.—The term “Project” means the  
15 Las Vegas Wash wetlands restoration and Lake  
16 Mead water quality improvement project and in-  
17 cludes the programs, features, components, projects,  
18 and activities identified in the Plan.

19 (b) PARTICIPATION IN PROJECT.—

20 (1) IN GENERAL.—The Secretary, in conjunc-  
21 tion with the Administrator of the Environmental  
22 Protection Agency, the Secretary of Agriculture, and  
23 the Secretary of the Interior and in partnership with  
24 the Committee, shall participate in the implementa-  
25 tion of the Project to restore wetlands at Las Vegas

1 Wash and to improve water quality in Lake Mead in  
2 accordance with the Plan.

3 (2) COST SHARING REQUIREMENTS.—

4 (A) IN GENERAL.—The non-Federal inter-  
5 ests shall pay 35 percent of the cost of any  
6 project carried out under this section.

7 (B) OPERATION AND MAINTENANCE.—The  
8 non-Federal interests shall be responsible for all  
9 costs associated with operating, maintaining,  
10 replacing, repairing, and rehabilitating all  
11 projects carried out under this section.

12 (C) FEDERAL LANDS.—Notwithstanding  
13 any other provision of this subsection, the Fed-  
14 eral share of the cost of a project carried out  
15 under this section on Federal lands shall be 100  
16 percent, including the costs of operation and  
17 maintenance.

18 (3) AUTHORIZATION OF APPROPRIATIONS.—

19 There is authorized to be appropriated \$10,000,000  
20 to carry out this section.

21 **SEC. 535. NEWARK, NEW JERSEY.**

22 (a) IN GENERAL.—Using authorities under law in ef-  
23 fect on the date of enactment of this Act, the Secretary,  
24 the Director of the Federal Emergency Management  
25 Agency, the Administrator of the Environmental Protec-

tion Agency, and the heads of other appropriate Federal agencies shall assist the State of New Jersey in developing and implementing a comprehensive basinwide strategy in the Passaic, Hackensack, Raritan, and Atlantic Coast floodplain areas for coordinated and integrated management of land and water resources to improve water quality, reduce flood hazards, and ensure sustainable economic activity.

(b) TECHNICAL ASSISTANCE, STAFF, AND FINANCIAL SUPPORT.—The heads of the Federal agencies referred to in subsection (a) may provide technical assistance, staff, and financial support for the development of the floodplain management strategy.

(c) FLEXIBILITY.—The heads of the Federal agencies referred to in subsection (a) shall exercise flexibility to reduce barriers to efficient and effective implementation of the floodplain management strategy.

(d) RESEARCH.—In coordination with academic and research institutions for support, the Secretary may conduct a study to carry out this section.

**SEC. 536. URBANIZED PEAK FLOOD MANAGEMENT RESEARCH, NEW JERSEY.**

(a) IN GENERAL.—The Secretary shall develop and implement a research program to evaluate opportunities

1 to manage peak flood flows in urbanized watersheds lo-  
2 cated in the State of New Jersey.

3 (b) SCOPE OF RESEARCH.—The research program  
4 authorized by subsection (a) shall be accomplished  
5 through the New York District of Corps of Engineers. The  
6 research shall include the following:

7 (1) Identification of key factors in the develop-  
8 ment of an urbanized watershed that affect peak  
9 flows in the watershed and downstream.

10 (2) Development of peak flow management  
11 models for 4 to 6 watersheds in urbanized areas  
12 with widely differing geology, shapes, and soil types  
13 that can be used to determine optimal flow reduction  
14 factors for individual watersheds.

15 (c) LOCATION.—The activities authorized by this sec-  
16 tion shall be carried out at the facility authorized by sec-  
17 tion 103(d) of the Water Resources Development Act of  
18 1992 106 Stat. 4812–4813, which may be located on the  
19 campus of the New Jersey Institute of Technology.

20 (d) REPORT TO CONGRESS.—The Secretary shall  
21 evaluate policy changes in the planning process for flood  
22 damage reduction projects based on the results of the re-  
23 search under this section and transmit to Congress a re-  
24 port on such results not later than 3 years after the date  
25 of enactment of this Act.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to carry out this section  
3 \$11,000,000 for fiscal years beginning after September  
4 30, 2000.

5 **SEC. 537. BLACK ROCK CANAL, BUFFALO, NEW YORK.**

6 The Secretary shall provide technical assistance in  
7 support of activities of non-Federal interests related to the  
8 dredging of Black Rock Canal in the area between the  
9 Ferry Street Overpass and the Peace Bridge Overpass in  
10 Buffalo, New York.

11 **SEC. 538. HAMBURG, NEW YORK.**

12 The Secretary shall complete the study of a project  
13 for shoreline erosion, Old Lake Shore Road, Hamburg,  
14 New York, and, if the Secretary determines that the  
15 project is feasible, the Secretary shall carry out the  
16 project.

17 **SEC. 539. NEPPERHAN RIVER, YONKERS, NEW YORK.**

18 The Secretary shall provide technical assistance to  
19 the city of Yonkers, New York, in support of activities re-  
20 lating to the dredging of the Nepperhan River outlet, New  
21 York.

22 **SEC. 540. ROCHESTER, NEW YORK.**

23 The Secretary shall complete the study of a project  
24 for navigation, Rochester Harbor, Rochester, New York,

1 and, if the Secretary determines that the project is fea-  
2 sible, the Secretary shall carry out the project.

3 **SEC. 541. UPPER MOHAWK RIVER BASIN, NEW YORK.**

4 (a) IN GENERAL.—The Secretary, in cooperation  
5 with the Secretary of Agriculture and the State of New  
6 York, shall conduct a study, develop a strategy, and imple-  
7 ment a project to reduce flood damages, improve water  
8 quality, and create wildlife habitat through wetlands res-  
9 toration, soil and water conservation practices, non-  
10 structural measures, and other appropriate means in the  
11 Upper Mohawk River Basin, at an estimated Federal cost  
12 of \$10,000,000.

13 (b) IMPLEMENTATION OF STRATEGY.—The Sec-  
14 retary shall implement the strategy under this section in  
15 cooperation with local landowners and local government.  
16 Projects to implement the strategy shall be designed to  
17 take advantage of ongoing or planned actions by other  
18 agencies, local municipalities, or nonprofit, nongovern-  
19 mental organizations with expertise in wetlands restora-  
20 tion that would increase the effectiveness or decrease the  
21 overall cost of implementing recommended projects and  
22 may include the acquisition of wetlands, from willing sell-  
23 ers, that contribute to the Upper Mohawk River basin eco-  
24 system.

1       (c) COOPERATION AGREEMENTS.—In carrying out  
2 activities under this section, the Secretary shall enter into  
3 cooperation agreements to provide financial assistance to  
4 appropriate Federal, State, and local government agencies  
5 as well as appropriate nonprofit, nongovernmental organi-  
6 zations with expertise in wetlands restoration, with the  
7 consent of the affected local government. Financial assist-  
8 ance provided may include activities for the implementa-  
9 tion of wetlands restoration projects and soil and water  
10 conservation measures.

11       (d) NON-FEDERAL SHARE.—The non-Federal share  
12 of the cost of activities carried out under this section shall  
13 be 25 percent and may be provided through in-kind serv-  
14 ices and materials.

15       (e) UPPER MOHAWK RIVER BASIN DEFINED.—In  
16 this section, the term “Upper Mohawk River basin” means  
17 the Mohawk River, its tributaries, and associated lands  
18 upstream of the confluence of the Mohawk River and  
19 Canajoharie Creek, and including Canajoharie Creek, New  
20 York.

21 **SEC. 542. EASTERN NORTH CAROLINA FLOOD PROTECTION.**

22       (a) IN GENERAL.—In order to assist the State of  
23 North Carolina and local governments in mitigating dam-  
24 ages resulting from a major disaster, the Secretary shall  
25 carry out flood damage reduction projects in eastern

1 North Carolina by protecting, clearing, and restoring  
2 channel dimensions (including removing accumulated  
3 snags and other debris) in the following rivers and tribu-  
4 taries:

5 (1) New River and tributaries.

6 (2) White Oak River and tributaries.

7 (3) Neuse River and tributaries.

8 (4) Pamlico River and tributaries.

9 (b) COST SHARE.—The non-Federal interest for a  
10 project under this section shall—

11 (1) pay 35 percent of the cost of the project;

12 and

13 (2) provide any lands, easements, rights-of-way,  
14 relocations, and material disposal areas necessary  
15 for implementation of the project.

16 (c) CONDITIONS.—The Secretary may not reject a  
17 project based solely on a minimum amount of stream run-  
18 off.

19 (d) MAJOR DISASTER DEFINED.—In this section, the  
20 term “major disaster” means a major disaster declared  
21 under title IV of the Robert T. Stafford Disaster Relief  
22 and Emergency Assistance Act (42 U.S.C. 5170 et seq.)  
23 and includes any major disaster declared before the date  
24 of enactment of this Act.



1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to carry out this section  
3 \$3,000,000 for fiscal years 2001 through 2003.

4 **SEC. 543. CUYAHOGA RIVER, OHIO.**

5 (a) IN GENERAL.—The Secretary shall provide tech-  
6 nical assistance to non-Federal interests for an evaluation  
7 of the structural integrity of the bulkhead system located  
8 along the Cuyahoga River in the vicinity of Cleveland,  
9 Ohio, at a total cost of \$500,000.

10 (b) EVALUATION.—The evaluation described in sub-  
11 section (a) shall include design analysis, plans and speci-  
12 fications, and cost estimates for repair or replacement of  
13 the bulkhead system.

14 **SEC. 544. CROWDER POINT, CROWDER, OKLAHOMA.**

15 At the request of the city of Crowder, Oklahoma, the  
16 Secretary shall enter into a long-term lease, not to exceed  
17 99 years, with the city under which the city may develop,  
18 operate, and maintain as a public park all or a portion  
19 of approximately 260 acres of land known as Crowder  
20 Point on Lake Eufaula, Oklahoma. The lease shall include  
21 such terms and conditions as the Secretary determines are  
22 necessary to protect the interest of the United States and  
23 project purposes and shall be made without consideration  
24 to the United States.

1 **SEC. 545. OKLAHOMA-TRIBAL COMMISSION.**

2 (a) FINDINGS.—The House of Representatives makes  
3 the following findings:

4 (1) The unemployment rate in southeastern  
5 Oklahoma is 23 percent greater than the national  
6 average.

7 (2) The per capita income in southeastern  
8 Oklahoma is 62 percent of the national average.

9 (3) Reflecting the inadequate job opportunities  
10 and dwindling resources in poor rural communities,  
11 southeastern Oklahoma is experiencing an out-mi-  
12 gration of people.

13 (4) Water represents a vitally important re-  
14 source in southeastern Oklahoma. Its abundance of-  
15 fers an opportunity for the residents to benefit from  
16 their natural resources.

17 (5) Trends as described in paragraphs (1), (2),  
18 and (3) are not conducive to local economic develop-  
19 ment, and efforts to improve the management of  
20 water in the region would have a positive outside in-  
21 fluence on the local economy, help reverse these  
22 trends, and improve the lives of local residents.

23 (b) SENSE OF HOUSE OF REPRESENTATIVES.—In  
24 view of the findings described in subsection (a), and in  
25 order to assist communities in southeastern Oklahoma in

1 benefiting from their local resources, it is the sense of the  
2 House of Representatives that—

3           (1) the State of Oklahoma and the Choctaw  
4       Nation of Oklahoma and the Chickasaw Nation,  
5       Oklahoma, should establish a State-tribal commis-  
6       sion composed equally of representatives of such Na-  
7       tions and residents of the water basins within the  
8       boundaries of such Nations for the purpose of ad-  
9       ministering and distributing from the sale of water  
10      any benefits and net revenues to the tribes and local  
11      entities within the respective basins;

12           (2) any sale of water to entities outside the ba-  
13      sins should be consistent with the procedures and re-  
14      quirements established by the commission; and

15           (3) if requested, the Secretary should provide  
16      technical assistance, as appropriate, to facilitate the  
17      efforts of the commission.

18 **SEC. 546. COLUMBIA RIVER, OREGON AND WASHINGTON.**

19       (a) MODELING AND FORECASTING SYSTEM.—The  
20      Secretary shall develop and implement a modeling and  
21      forecasting system for the Columbia River estuary, Oregon  
22      and Washington, to provide real-time information on exist-  
23      ing and future wave, current, tide, and wind conditions.

24       (b) USE OF CONTRACTS AND GRANTS.—In carrying  
25      out this section, the Secretary is encouraged to use con-

1 tracts, cooperative agreements, and grants with colleges  
2 and universities and other non-Federal entities.

3 **SEC. 547. JOHN DAY POOL, OREGON AND WASHINGTON.**

4 (a) EXTINGUISHMENT OF REVERSIONARY INTER-  
5 ESTS AND USE RESTRICTIONS.—With respect to the lands  
6 described in each deed listed in subsection (b)—

7 (1) the reversionary interests and the use re-  
8 strictions relating to port or industrial purposes are  
9 extinguished;

10 (2) the human habitation or other building  
11 structure use restriction is extinguished in each area  
12 where the elevation is above the standard project  
13 flood elevation; and

14 (3) the use of fill material to raise areas above  
15 the standard project flood elevation, without increas-  
16 ing the risk of flooding in or outside of the flood-  
17 plain, is authorized, except in any area constituting  
18 wetland for which a permit under section 404 of the  
19 Federal Water Pollution Control Act (33 U.S.C.  
20 1344) would be required.

21 (b) AFFECTED DEEDS.—The following deeds are re-  
22 ferred to in subsection (a):

23 (1) The deeds executed by the United States  
24 and bearing Morrow County, Oregon, Auditor's  
25 Microfilm Numbers 229 and 16226.

1           (2) The deed executed by the United States and  
2       bearing Benton County, Washington, Auditor's File  
3       Number 601766, but only as that deed applies to  
4       the following portion of lands conveyed by that deed:

5           A tract of land lying in Section 7, Town-  
6       ship 5 north, Range 28 east of the Willamette  
7       meridian, Benton County, Washington, said  
8       tract being more particularly described as fol-  
9       lows:

10           Commencing at the point of intersec-  
11       tion of the centerlines of Plymouth Street  
12       and Third Avenue in the First Addition to  
13       the Town of Plymouth (according to the  
14       duly recorded Plat thereof);

15           thence westerly along the said center-  
16       line of Third Avenue, a distance of 565  
17       feet;

18           thence south  $54^{\circ} 10'$  west, to a point  
19       on the west line of Tract 18 of said Addi-  
20       tion and the true point of beginning;

21           thence north, parallel with the west  
22       line of said Section 7, to a point on the  
23       north line of said Section 7;

1                   thence west along the north line there-  
2                   of to the northwest corner of said Section  
3                   7;

4                   thence south along the west line of  
5                   said Section 7 to a point on the ordinary  
6                   high water line of the Columbia River;

7                   thence northeasterly along said high  
8                   water line to a point on the north and  
9                   south coordinate line of the Oregon Coordi-  
10                  nate System, North Zone, said coordinate  
11                  line being east 2,291,000 feet;

12                  thence north along said line to a point  
13                  on the south line of First Avenue of said  
14                  Addition;

15                  thence westerly along First Avenue to  
16                  a point on southerly extension of the west  
17                  line of Tract 18;

18                  thence northerly along said west line  
19                  of Tract 18 to the point of beginning.

20                  (3) The deed recorded October 17, 1967, in  
21                  book 291, page 148, Deed of Records of Umatilla  
22                  County, Oregon, executed by the United States.

23                  (c) NO EFFECT ON OTHER NEEDS.—Nothing in this  
24                  section affects the remaining rights and interests of the  
25                  Corps of Engineers for authorized project purposes.

1 **SEC. 548. LOWER COLUMBIA RIVER AND TILLAMOOK BAY**  
2 **ESTUARY PROGRAM, OREGON AND WASH-**  
3 **INGTON.**

4 (a) IN GENERAL.—The Secretary shall conduct stud-  
5 ies and ecosystem restoration projects for the lower Co-  
6 lumbia River and Tillamook Bay estuaries, Oregon and  
7 Washington.

8 (b) USE OF MANAGEMENT PLANS.—

9 (1) LOWER COLUMBIA RIVER ESTUARY.—

10 (A) IN GENERAL.—In carrying out eco-  
11 system restoration projects under this section,  
12 the Secretary shall use as a guide the Lower  
13 Columbia River estuary program's comprehen-  
14 sive conservation and management plan devel-  
15 oped under section 320 of the Federal Water  
16 Pollution Control Act (33 U.S.C. 1330).

17 (B) CONSULTATION.—The Secretary shall  
18 carry out ecosystem restoration projects under  
19 this section for the lower Columbia River estu-  
20 ary in consultation with the States of Oregon  
21 and Washington, the Environmental Protection  
22 Agency, the United States Fish and Wildlife  
23 Service, the National Marine Fisheries Service,  
24 and the Forest Service.

25 (2) TILLAMOOK BAY ESTUARY.—

1 (A) IN GENERAL.—In carrying out eco-  
2 system restoration projects under this section,  
3 the Secretary shall use as a guide the Tillamook  
4 Bay national estuary project's comprehensive  
5 conservation and management plan developed  
6 under section 320 of the Federal Water Pollu-  
7 tion Control Act (33 U.S.C. 1330).

8 (B) CONSULTATION.—The Secretary shall  
9 carry out ecosystem restoration projects under  
10 this section for the Tillamook Bay estuary in  
11 consultation with the State of Oregon, the En-  
12 vironmental Protection Agency, the United  
13 States Fish and Wildlife Service, the National  
14 Marine Fisheries Service, and the Forest Serv-  
15 ice.

16 (c) AUTHORIZED ACTIVITIES.—

17 (1) IN GENERAL.—In carrying out ecosystem  
18 restoration projects under this section, the Secretary  
19 shall undertake activities necessary to protect, mon-  
20 itor, and restore fish and wildlife habitat.

21 (2) LIMITATIONS.—The Secretary may not  
22 carry out any activity under this section that ad-  
23 versely affects—

24 (A) the water-related needs of the lower  
25 Columbia River estuary or the Tillamook Bay



1 estuary, including navigation, recreation, and  
2 water supply needs; or

3 (B) private property rights.

4 (d) PRIORITY.—In determining the priority of  
5 projects to be carried out under this section, the Secretary  
6 shall consult with the Implementation Committee of the  
7 Lower Columbia River Estuary Program and the Perform-  
8 ance Partnership Council of the Tillamook Bay National  
9 Estuary Project, and shall consider the recommendations  
10 of such entities.

11 (e) COST-SHARING REQUIREMENTS.—

12 (1) STUDIES.—Studies conducted under this  
13 section shall be subject to cost sharing in accordance  
14 with section 105 of the Water Resources Develop-  
15 ment Act of 1986 (33 U.S.C. 2215).

16 (2) ECOSYSTEM RESTORATION PROJECTS.—

17 (A) IN GENERAL.—Non-Federal interests  
18 shall pay 35 percent of the cost of any eco-  
19 system restoration project carried out under  
20 this section.

21 (B) ITEMS PROVIDED BY NON-FEDERAL  
22 INTERESTS.—Non-Federal interests shall pro-  
23 vide all land, easements, rights-of-way, dredged  
24 material disposal areas, and relocations nec-  
25 essary for ecosystem restoration projects to be

1 carried out under this section. The value of  
2 such land, easements, rights-of-way, dredged  
3 material disposal areas, and relocations shall be  
4 credited toward the payment required under  
5 this paragraph.

6 (C) IN-KIND CONTRIBUTIONS.—Not more  
7 than 50 percent of the non-Federal share re-  
8 quired under this subsection may be satisfied by  
9 the provision of in-kind services.

10 (3) OPERATION AND MAINTENANCE.—Non-Fed-  
11 eral interests shall be responsible for all costs associ-  
12 ated with operating, maintaining, replacing, repair-  
13 ing, and rehabilitating all projects carried out under  
14 this section.

15 (4) FEDERAL LANDS.—Notwithstanding any  
16 other provision of this subsection, the Federal share  
17 of the cost of a project carried out under this section  
18 on Federal lands shall be 100 percent, including  
19 costs of operation and maintenance.

20 (f) DEFINITIONS.—In this section, the following defi-  
21 nitions apply:

22 (1) LOWER COLUMBIA RIVER ESTUARY.—The  
23 term “lower Columbia River estuary” means those  
24 river reaches having navigation channels on the  
25 mainstem of the Columbia River in Oregon and

1 Washington west of Bonneville Dam, and the tribu-  
2 taries of such reaches to the extent such tributaries  
3 are tidally influenced.

4 (2) TILLAMOOK BAY ESTUARY.—The term  
5 “Tillamook Bay estuary” means those waters of  
6 Tillamook Bay in Oregon and its tributaries that are  
7 tidally influenced.

8 (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
9 authorized to be appropriated to carry out this section  
10 \$40,000,000.

11 **SEC. 549. SKINNER BUTTE PARK, EUGENE, OREGON.**

12 Section 546(b) of the Water Resources Development  
13 Act of 1999 (113 Stat. 351) is amended by adding at the  
14 end the following: “If the Secretary participates in the  
15 project, the Secretary shall carry out a monitoring pro-  
16 gram for 3 years after construction to evaluate the ecologi-  
17 cal and engineering effectiveness of the project and its ap-  
18 plicability to other sites in the Willamette Valley.”

19 **SEC. 550. WILLAMETTE RIVER BASIN, OREGON.**

20 Section 547 of the Water Resources Development Act  
21 of 1999 (113 Stat. 351–352) is amended by adding at  
22 the end the following:

23 “(d) RESEARCH.—In coordination with academic and  
24 research institutions for support, the Secretary may con-  
25 duct a study to carry out this section.”.

1 **SEC. 551. LACKAWANNA RIVER, PENNSYLVANIA.**

2 (a) IN GENERAL.—Section 539(a) of the Water Re-  
3 sources Development Act of 1996 (110 Stat. 3776) is  
4 amended—

5 (1) by striking “and” at the end of paragraph  
6 (1)(A);

7 (2) by striking the period at the end of para-  
8 graph (1)(B) and inserting “; and”; and

9 (3) by adding at the end the following:

10 “(C) the Lackawanna River, Pennsyl-  
11 vania.”.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
13 539(d) of such Act (110 Stat. 3776–3777) is amended—

14 (1) by striking “(a)(1)(A) and” and inserting  
15 “(a)(1)(A),”; and

16 (2) by inserting “, and \$5,000,000 for projects  
17 undertaken under subsection (a)(1)(C)” before the  
18 period at the end.

19 **SEC. 552. PHILADELPHIA, PENNSYLVANIA.**

20 (a) IN GENERAL.—The Secretary shall provide as-  
21 sistance to the Delaware River Port Authority to deepen  
22 the Delaware River at Pier 122 in Philadelphia, Pennsyl-  
23 vania.

24 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
25 authorized to be appropriated \$1,000,000 to carry out this  
26 section.

1 **SEC. 553. ACCESS IMPROVEMENTS, RAYSTOWN LAKE,**  
2 **PENNSYLVANIA.**

3 The Commonwealth of Pennsylvania may transfer  
4 any unobligated funds made available to the Common-  
5 wealth for item number 1278 of the table contained in  
6 section 1602 of Public Law 105–178, to the Secretary for  
7 access improvements at the Raystown Lake project, Penn-  
8 sylvania.

9 **SEC. 554. UPPER SUSQUEHANNA RIVER BASIN, PENNSYL-**  
10 **VANIA AND NEW YORK.**

11 Section 567 of the Water Resources Development Act  
12 of 1996 (110 Stat. 3787–3788) is amended—

13 (1) by striking subsection (a)(2) and inserting  
14 the following:

15 “(2) The Susquehanna River watershed up-  
16 stream of the Chemung River, New York, at an esti-  
17 mated Federal cost of \$10,000,000.”; and

18 (2) by striking subsections (c) and (d) and in-  
19 serting the following:

20 “(c) COOPERATION AGREEMENTS.—In conducting  
21 the study and developing the strategy under this section,  
22 the Secretary shall enter into cooperation agreements to  
23 provide financial assistance to appropriate Federal, State,  
24 and local government agencies as well as appropriate non-  
25 profit, nongovernmental organizations with expertise in  
26 wetlands restoration, with the consent of the affected local

1 government. Financial assistance provided may include ac-  
2 tivities for the implementation of wetlands restoration  
3 projects and soil and water conservation measures.

4 “(d) IMPLEMENTATION OF STRATEGY.—The Sec-  
5 retary shall undertake development and implementation of  
6 the strategy under this section in cooperation with local  
7 landowners and local government officials. Projects to im-  
8 plement the strategy shall be designed to take advantage  
9 of ongoing or planned actions by other agencies, local mu-  
10 nicipalities, or nonprofit, nongovernmental organizations  
11 with expertise in wetlands restoration that would increase  
12 the effectiveness or decrease the overall cost of imple-  
13 menting recommended projects and may include the acqui-  
14 sition of wetlands, from willing sellers, that contribute to  
15 the Upper Susquehanna River basin ecosystem.”.

16 **SEC. 555. CHICKAMAUGA LOCK, CHATTANOOGA, TEN-**  
17 **NESSEE.**

18 (a) TRANSFER FROM TVA.—The Tennessee Valley  
19 Authority shall transfer \$200,000 to the Secretary for the  
20 preparation of a report of the Chief of Engineers for a  
21 replacement lock at Chickamauga Lock and Dam, Chat-  
22 tanooga, Tennessee.

23 (b) REPORT.—The Secretary shall accept and use the  
24 funds transferred under subsection (a) to prepare the re-  
25 port referred to in subsection (a).

1 **SEC. 556. JOE POOL LAKE, TEXAS.**

2 If the city of Grand Prairie, Texas, enters into a  
3 binding agreement with the Secretary under which—

4 (1) the city agrees to assume all of the respon-  
5 sibilities (other than financial responsibilities) of the  
6 Trinity River Authority of Texas under Corps of En-  
7 gineers contract #DACW63-76-C-0166, including  
8 operation and maintenance of the recreation facili-  
9 ties included in the contract; and

10 (2) to pay the Federal Government a total of  
11 \$4,290,000 in 2 installments, 1 in the amount of  
12 \$2,150,000, which shall be due and payable no later  
13 than December 1, 2000, and 1 in the amount of  
14 \$2,140,000, which shall be due and payable no later  
15 than December 1, 2003,

16 the Trinity River Authority shall be relieved of all of its  
17 financial responsibilities under the contract as of the date  
18 the Secretary enters into the agreement with the city.

19 **SEC. 557. BENSON BEACH, FORT CANBY STATE PARK,**  
20 **WASHINGTON.**

21 The Secretary shall place dredged material at Benson  
22 Beach, Fort Canby State Park, Washington, in accord-  
23 ance with section 204 of the Water Resources Develop-  
24 ment Act of 1992 (33 U.S.C. 2326).

1   **SEC. 558. PUGET SOUND AND ADJACENT WATERS RES-**  
2                   **TORATION, WASHINGTON.**

3           (a) IN GENERAL.—The Secretary may participate in  
4 critical restoration projects in the area of the Puget Sound  
5 and its adjacent waters, including the watersheds that  
6 drain directly into Puget Sound, Admiralty Inlet, Hood  
7 Canal, Rosario Strait, and the eastern portion of the  
8 Strait of Juan de Fuca.

9           (b) PROJECT SELECTION.—The Secretary, in con-  
10 sultation with appropriate Federal, tribal, State, and local  
11 agencies, (including the Salmon Recovery Funding Board,  
12 Northwest Straits Commission, Hood Canal Coordinating  
13 Council, county watershed planning councils, and salmon  
14 enhancement groups) may identify critical restoration  
15 projects and may implement those projects after entering  
16 into an agreement with an appropriate non-Federal inter-  
17 est in accordance with the requirements of section 221 of  
18 the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and  
19 this section.

20           (c) PROJECT COST LIMITATION.—Of amounts appro-  
21 priated to carry out this section, not more than  
22 \$2,500,000 may be allocated to carry out any project.

23           (d) COST SHARING.—

24               (1) IN GENERAL.—The non-Federal interest for  
25 a critical restoration project under this section  
26 shall—



1 (A) pay 35 percent of the cost of the  
2 project;

3 (B) provide any lands, easements, rights-  
4 of-way, relocations, and dredged material dis-  
5 posal areas necessary for implementation of the  
6 project;

7 (C) pay 100 percent of the operation,  
8 maintenance, repair, replacement, and rehabili-  
9 tation costs associated with the project; and

10 (D) hold the United States harmless from  
11 liability due to implementation of the project,  
12 except for the negligence of the Federal Govern-  
13 ment or its contractors.

14 (2) CREDIT.—The Secretary shall provide cred-  
15 it to the non-Federal interest for a critical restora-  
16 tion project under this section for the value of any  
17 lands, easements, rights-of-way, relocations, and  
18 dredged material disposal areas provided by the non-  
19 Federal interest for the project.

20 (3) MEETING NON-FEDERAL COST SHARE.—  
21 The non-Federal interest may provide up to 50 per-  
22 cent of the non-Federal share of the cost of a project  
23 under this section through the provision of services,  
24 materials, supplies, or other in-kind services.

1 (e) CRITICAL RESTORATION PROJECT DEFINED.—In  
2 this section, the term “critical restoration project” means  
3 a water resource project that will produce, consistent with  
4 existing Federal programs, projects, and activities, imme-  
5 diate and substantial environmental protection and res-  
6 toration benefits.

7 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
8 authorized to be appropriated to carry out this section  
9 \$40,000,000.

10 **SEC. 559. SHOALWATER BAY INDIAN TRIBE, WILLAPA BAY,**  
11 **WASHINGTON.**

12 (a) PLACEMENT OF DREDGED MATERIAL ON  
13 SHORE.—For the purpose of addressing coastal erosion,  
14 the Secretary shall place, on an emergency one-time basis,  
15 dredged material from a Federal navigation project on the  
16 shore of the tribal reservation of the Shoalwater Bay In-  
17 dian Tribe, Willapa Bay, Washington, at Federal expense.

18 (b) PLACEMENT OF DREDGED MATERIAL ON PRO-  
19 TECTIVE DUNES.—The Secretary shall place dredged ma-  
20 terial from Willapa Bay on the remaining protective dunes  
21 on the tribal reservation of the Shoalwater Bay Indian  
22 Tribe, at Federal expense.

23 (c) STUDY OF COASTAL EROSION.—The Secretary  
24 shall conduct a study to develop long-term solutions to

1 coastal erosion problems at the tribal reservation of the  
2 Shoalwater Bay Indian Tribe at Federal expense.

3 **SEC. 560. WYNOOCHEE LAKE, WYNOOCHEE RIVER, WASH-**  
4 **INGTON.**

5 (a) IN GENERAL.—The city of Aberdeen, Wash-  
6 ington, may transfer its rights, interests, and title in the  
7 land transferred to the city under section 203 of the Water  
8 Resources Development Act of 1990 (104 Stat. 4632) to  
9 the city of Tacoma, Washington.

10 (b) CONDITIONS.—The transfer under this section  
11 shall be subject to the conditions set forth in section  
12 203(b) of the Water Resources Development Act of 1990  
13 (104 Stat. 4632); except that the condition set forth in  
14 paragraph (1) of such section shall apply to the city of  
15 Tacoma only for so long as the city of Tacoma has a valid  
16 license with the Federal Energy Regulatory Commission  
17 relating to operation of the Wynoochee Dam, Washington.

18 (c) LIMITATION.—The transfer under subsection (a)  
19 may be made only after the Secretary determines that the  
20 city of Tacoma will be able to operate, maintain, repair,  
21 replace, and rehabilitate the project for Wynoochee Lake,  
22 Wynoochee River, Washington, authorized by section 203  
23 of the Flood Control Act of 1962 (76 Stat. 1193), in ac-  
24 cordance with such regulations as the Secretary may issue  
25 to ensure that such operation, maintenance, repair, re-

1 placement, and rehabilitation is consistent with project  
2 purposes.

3 (d) WATER SUPPLY CONTRACT.—The water supply  
4 contract designated as DACWD 67–68–C–0024 shall be  
5 null and void if the Secretary exercises the reversionary  
6 right set forth in section 203(b)(3) of the Water Resources  
7 Development Act of 1990 (104 Stat. 4632).

8 **SEC. 561. SNOHOMISH RIVER, WASHINGTON.**

9 In coordination with appropriate Federal, tribal, and  
10 State agencies, the Secretary may carry out a project to  
11 address data needs regarding the outmigration of juvenile  
12 chinook salmon in the Snohomish River, Washington.

13 **SEC. 562. BLUESTONE, WEST VIRGINIA.**

14 (a) IN GENERAL.—Notwithstanding any other provi-  
15 sion of law, the Tri-Cities Power Authority of West Vir-  
16 ginia is authorized to design and construct hydroelectric  
17 generating facilities at the Bluestone Lake facility, West  
18 Virginia, under the terms and conditions of the agreement  
19 referred to in subsection (b).

20 (b) AGREEMENT.—

21 (1) AGREEMENT TERMS.—Conditioned upon  
22 the parties agreeing to mutually acceptable terms  
23 and conditions, the Secretary and the Secretary of  
24 Energy, acting through the Southeastern Power Ad-  
25 ministration, may enter into a binding agreement

1 with the Tri-Cities Power Authority under which the  
2 Tri-Cities Power Authority agrees to each of the fol-  
3 lowing:

4 (A) To design and construct the gener-  
5 ating facilities referred to in subsection (a)  
6 within 4 years after the date of such agreement.

7 (B) To reimburse the Secretary for—

8 (i) the cost of approving such design  
9 and inspecting such construction;

10 (ii) the cost of providing any assist-  
11 ance authorized under subsection (c)(2);  
12 and

13 (iii) the redistributed costs associated  
14 with the original construction of the dam  
15 and dam safety if all parties agree with the  
16 method of the development of the charge-  
17 able amounts associated with hydropower  
18 at the facility.

19 (C) To release and indemnify the United  
20 States from any claims, causes of action, or li-  
21 abilities which may arise from such design and  
22 construction of the facilities referred to in sub-  
23 section (a), including any liability that may  
24 arise out of the removal of the facility if di-  
25 rected by the Secretary.

1           (2) ADDITIONAL TERMS.—The agreement shall  
2       also specify each of the following:

3           (A) The procedures and requirements for  
4       approval and acceptance of design, construc-  
5       tion, and operation and maintenance of the fa-  
6       cilities referred in subsection (a).

7           (B) The rights, responsibilities, and liabil-  
8       ities of each party to the agreement.

9           (C) The amount of the payments under  
10      subsection (f) of this section and the procedures  
11      under which such payments are to be made.

12      (c) OTHER REQUIREMENTS.—

13           (1) PROHIBITION.—No Federal funds may be  
14      expended for the design, construction, and operation  
15      and maintenance of the facilities referred to in sub-  
16      section (a) prior to the date on which such facilities  
17      are accepted by the Secretary under subsection (d).

18           (2) REIMBURSEMENT.—Notwithstanding any  
19      other provision of law, if requested by the Tri-Cities  
20      Power Authority, the Secretary may provide, on a  
21      reimbursable basis, assistance in connection with the  
22      design and construction of the generating facilities  
23      referred to in subsection (a).

24      (d) COMPLETION OF CONSTRUCTION.—

1           (1) TRANSFER OF FACILITIES.—Notwith-  
2 standing any other provision of law, upon completion  
3 of the construction of the facilities referred to in  
4 subsection (a) and final approval of such facility by  
5 the Secretary, the Tri-Cities Power Authority shall  
6 transfer without consideration title to such facilities  
7 to the United States, and the Secretary shall—

8           (A) accept the transfer of title to such fa-  
9 cilities on behalf of the United States; and

10          (B) operate and maintain the facilities re-  
11 ferred to in subsection (a).

12          (2) CERTIFICATION.—The Secretary is author-  
13 ized to accept title to the facilities pursuant to para-  
14 graph (1) only after certifying that the quality of the  
15 construction meets all standards established for  
16 similar facilities constructed by the Secretary.

17          (3) AUTHORIZED PROJECT PURPOSES.—The  
18 operation and maintenance of the facilities shall be  
19 conducted in a manner that is consistent with other  
20 authorized project purposes of the Bluestone Lake  
21 facility.

22          (e) EXCESS POWER.—Pursuant to any agreement  
23 under subsection (b), the Southeastern Power Administra-  
24 tion shall market the excess power produced by the facili-  
25 ties referred to in subsection (a) in accordance with sec-

tion 5 of the Rivers and Harbors Act of December 22,  
1944 (16 U.S.C. 825s; 58 Stat. 890).

(f) PAYMENTS.—Notwithstanding any other provision of law, the Secretary of Energy, acting through the Southeastern Power Administration, is authorized to pay in accordance with the terms of the agreement entered into under subsection (b) out of the revenues from the sale of power produced by the generating facility of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southeastern Power Administration—

(1) to the Tri-Cities Power Authority all reasonable costs incurred by the Tri-Cities Power Authority in the design and construction of the facilities referred to in subsection (a), including the capital investment in such facilities and a reasonable rate of return on such capital investment; and

(2) to the Secretary, in accordance with the terms of the agreement entered into under subsection (b) out of the revenues from the sale of power produced by the generating facility of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southeastern Power Administration, all reasonable costs incurred by the



1 Secretary in the operation and maintenance of facili-  
2 ties referred to in subsection (a).

3 (g) AUTHORITY OF SECRETARY OF ENERGY.—Not-  
4 withstanding any other provision of law, the Secretary of  
5 Energy, acting through the Southeastern Power Adminis-  
6 tration, is authorized—

7 (1) to construct such transmission facilities as  
8 necessary to market the power produced at the fa-  
9 cilities referred to in subsection (a) with funds con-  
10 tributed by the Tri-Cities Power Authority; and

11 (2) to repay those funds, including interest and  
12 any administrative expenses, directly from the reve-  
13 nues from the sale of power produced by such facili-  
14 ties of the interconnected systems of reservoirs oper-  
15 ated by the Secretary and marketed by the South-  
16 eastern Power Administration.

17 (h) SAVINGS CLAUSE.—Nothing in this section af-  
18 fects any requirement under Federal or State environ-  
19 mental law relating to the licensing or operation of such  
20 facilities.

21 **SEC. 563. LESAGE/GREENBOTTOM SWAMP, WEST VIRGINIA.**

22 Section 30 of the Water Resources Development Act  
23 of 1988 (102 Stat. 4030) is amended by adding at the  
24 end the following:

1       “(d) HISTORIC STRUCTURE.—The Secretary shall  
2 ensure the stabilization and preservation of the structure  
3 known as the Jenkins House located within the Lesage/  
4 Greenbottom Swamp in accordance with standards for  
5 sites listed on the National Register of Historic Places.”.

6 **SEC. 564. TUG FORK RIVER, WEST VIRGINIA.**

7       (a) IN GENERAL.—The Secretary may provide plan-  
8 ning, design, and construction assistance to non-Federal  
9 interests for projects located along the Tug Fork River  
10 in West Virginia and identified by the master plan devel-  
11 oped pursuant to section 114(t) of the Water Resources  
12 Development Act of 1992 (106 Stat. 4820).

13       (b) PRIORITIES.—In providing assistance under this  
14 section, the Secretary shall give priority to the primary  
15 development demonstration sites in West Virginia identi-  
16 fied by the master plan referred to in subsection (a).

17       (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
18 authorized to be appropriated to carry out this section  
19 \$1,000,000.

20 **SEC. 565. VIRGINIA POINT RIVERFRONT PARK, WEST VIR-**  
21 **GINIA.**

22       (a) IN GENERAL.—The Secretary may provide plan-  
23 ning, design, and construction assistance to non-Federal  
24 interests for the project at Virginia Point, located at the  
25 confluence of the Ohio and Big Sandy Rivers in West Vir-

1 ginia, identified by the preferred plan set forth in the fea-  
2 sibility study dated September 1999, and carried out  
3 under the West Virginia-Ohio River Comprehensive Study  
4 authorized by a resolution dated September 8, 1988, by  
5 the Committee on Public Works and Transportation of the  
6 House of Representatives.

7 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
8 authorized to be appropriated to carry out this section  
9 \$3,100,000.

10 **SEC. 566. SOUTHERN WEST VIRGINIA.**

11 Section 340(a) of the Water Resources Development  
12 Act of 1992 (106 Stat. 4856) is amended by inserting “en-  
13 vironmental restoration,” after “distribution facilities,”.

14 **SEC. 567. FOX RIVER SYSTEM, WISCONSIN.**

15 Section 332(a) of the Water Resources Development  
16 Act of 1992 (106 Stat. 4852) is amended by adding at  
17 the end the following: “Such terms and conditions may  
18 include a payment or payments to the State of Wisconsin  
19 to be used toward the repair and rehabilitation of the locks  
20 and appurtenant features to be transferred.”.

21 **SEC. 568. SURFSIDE/SUNSET AND NEWPORT BEACH, CALI-**  
22 **FORNIA.**

23 The Secretary shall treat the Surfside/Sunset New-  
24 port Beach element of the project for beach erosion, Or-  
25 ange County, California, authorized by section 101 of the

1 River and Harbor Act of 1962 (76 Stat. 1177), as con-  
2 tinuing construction.

3 **SEC. 569. ILLINOIS RIVER BASIN RESTORATION.**

4 (a) ILLINOIS RIVER BASIN DEFINED.—In this sec-  
5 tion, the term “Illinois River basin” means the Illinois  
6 River, Illinois, its backwaters, side channels, and all tribu-  
7 taries, including their watersheds, draining into the Illi-  
8 nois River.

9 (b) COMPREHENSIVE PLAN.—

10 (1) DEVELOPMENT.—The Secretary shall de-  
11 velop, as expeditiously as practicable, a proposed  
12 comprehensive plan for the purpose of restoring,  
13 preserving, and protecting the Illinois River basin.

14 (2) TECHNOLOGIES AND INNOVATIVE AP-  
15 PROACHES.—The comprehensive plan shall provide  
16 for the development of new technologies and innova-  
17 tive approaches—

18 (A) to enhance the Illinois River as a vital  
19 transportation corridor;

20 (B) to improve water quality within the en-  
21 tire Illinois River basin;

22 (C) to restore, enhance, and preserve habi-  
23 tat for plants and wildlife; and

24 (D) to increase economic opportunity for  
25 agriculture and business communities.

1           (3) SPECIFIC COMPONENTS.—The comprehen-  
2       sive plan shall include such features as are necessary  
3       to provide for—

4           (A) the development and implementation of  
5       a program for sediment removal technology,  
6       sediment characterization, sediment transport,  
7       and beneficial uses of sediment;

8           (B) the development and implementation  
9       of a program for the planning, conservation,  
10      evaluation, and construction of measures for  
11      fish and wildlife habitat conservation and reha-  
12      bilitation, and stabilization and enhancement of  
13      land and water resources in the basin;

14          (C) the development and implementation of  
15      a long-term resource monitoring program; and

16          (D) the development and implementation  
17      of a computerized inventory and analysis sys-  
18      tem.

19       (4) CONSULTATION.—The comprehensive plan  
20      shall be developed by the Secretary in consultation  
21      with appropriate Federal agencies, the State of Illi-  
22      nois, and the Illinois River Coordinating Council.

23       (5) REPORT TO CONGRESS.—Not later than 2  
24      years after the date of enactment of this Act, the

1 Secretary shall transmit to Congress a report con-  
2 taining the comprehensive plan.

3 (6) ADDITIONAL STUDIES AND ANALYSES.—

4 After transmission of a report under paragraph (5),  
5 the Secretary shall continue to conduct such studies  
6 and analyses related to the comprehensive plan as  
7 are necessary, consistent with this subsection.

8 (c) CRITICAL RESTORATION PROJECTS.—

9 (1) IN GENERAL.—If the Secretary, in coopera-  
10 tion with appropriate Federal agencies and the State  
11 of Illinois, determines that a restoration project for  
12 the Illinois River basin will produce independent, im-  
13 mediate, and substantial restoration, preservation,  
14 and protection benefits, the Secretary shall proceed  
15 expeditiously with the implementation of the project.

16 (2) AUTHORIZATION OF APPROPRIATIONS.—

17 There is authorized to be appropriated to carry out  
18 projects under this subsection \$100,000,000 for fis-  
19 cal years 2001 through 2004.

20 (3) FEDERAL SHARE.—The Federal share of  
21 the cost of carrying out any project under this sub-  
22 section shall not exceed \$5,000,000.

23 (d) GENERAL PROVISIONS.—

24 (1) WATER QUALITY.—In carrying out projects  
25 and activities under this section, the Secretary shall

1 take into account the protection of water quality by  
2 considering applicable State water quality standards.

3 (2) PUBLIC PARTICIPATION.—In developing the  
4 comprehensive plan under subsection (b) and car-  
5 rying out projects under subsection (c), the Sec-  
6 retary shall implement procedures to facilitate public  
7 participation, including providing advance notice of  
8 meetings, providing adequate opportunity for public  
9 input and comment, maintaining appropriate  
10 records, and making a record of the proceedings of  
11 meetings available for public inspection.

12 (e) COORDINATION.—The Secretary shall integrate  
13 and coordinate projects and activities carried out under  
14 this section with ongoing Federal and State programs,  
15 projects, and activities, including the following:

16 (1) Upper Mississippi River System-Environ-  
17 mental Management Program authorized under sec-  
18 tion 1103 of the Water Resources Development Act  
19 of 1986 (33 U.S.C. 652).

20 (2) Upper Mississippi River Illinois Waterway  
21 System Study.

22 (3) Kankakee River Basin General Investiga-  
23 tion.

24 (4) Peoria Riverfront Development General In-  
25 vestigation.

1 (5) Illinois River Ecosystem Restoration Gen-  
2 eral Investigation.

3 (6) Conservation Reserve Program and other  
4 farm programs of the Department of Agriculture.

5 (7) Conservation Reserve Enhancement Pro-  
6 gram (State) and Conservation 2000, Ecosystem  
7 Program of the Illinois Department of Natural Re-  
8 sources.

9 (8) Conservation 2000 Conservation Practices  
10 Program and the Livestock Management Facilities  
11 Act administered by the Illinois Department of Agri-  
12 culture.

13 (9) National Buffer Initiative of the Natural  
14 Resources Conservation Service.

15 (10) Nonpoint source grant program adminis-  
16 tered by the Illinois Environmental Protection Agen-  
17 cy.

18 (f) JUSTIFICATION.—

19 (1) IN GENERAL.—Notwithstanding section 209  
20 of the Flood Control Act of 1970 (42 U.S.C. 1962–  
21 2) or any other provision of law, in carrying out ac-  
22 tivities to restore, preserve, and protect the Illinois  
23 River basin under this section, the Secretary may  
24 determine that the activities—



1 (A) are justified by the environmental ben-  
2 efits derived by the Illinois River basin; and

3 (B) shall not need further economic jus-  
4 tification if the Secretary determines that the  
5 activities are cost-effective.

6 (2) APPLICABILITY.—Paragraph (1) shall not  
7 apply to any separable element intended to produce  
8 benefits that are predominantly unrelated to the res-  
9 toration, preservation, and protection of the Illinois  
10 River basin.

11 (g) COST SHARING.—

12 (1) IN GENERAL.—The non-Federal share of  
13 the cost of projects and activities carried out under  
14 this section shall be 35 percent.

15 (2) OPERATION, MAINTENANCE, REHABILITA-  
16 TION, AND REPLACEMENT.—The operation, mainte-  
17 nance, rehabilitation, and replacement of projects  
18 carried out under this section shall be a non-Federal  
19 responsibility.

20 (3) IN-KIND SERVICES.—The value of in-kind  
21 services provided by the non-Federal interest for a  
22 project or activity carried out under this section may  
23 be credited toward not more than 80 percent of the  
24 non-Federal share of the cost of the project or activ-  
25 ity. In-kind services shall include all State funds ex-

1       pended on programs and projects which accomplish  
2       the goals of this section, as determined by the Sec-  
3       retary. Such programs and projects may include the  
4       Illinois River Conservation Reserve Program, the Il-  
5       linois Conservation 2000 Program, the Open Lands  
6       Trust Fund, and other appropriate programs carried  
7       out in the Illinois River basin.

8               (4) CREDIT.—

9                       (A) VALUE OF LANDS.—If the Secretary  
10                   determines that lands or interests in land ac-  
11                   quired by a non-Federal interest, regardless of  
12                   the date of acquisition, are integral to a project  
13                   or activity carried out under this section, the  
14                   Secretary may credit the value of the lands or  
15                   interests in land toward the non-Federal share  
16                   of the cost of the project or activity. Such value  
17                   shall be determined by the Secretary.

18                   (B) WORK.—If the Secretary determines  
19                   that any work completed by a non-Federal in-  
20                   terest, regardless of the date of completion, is  
21                   integral to a project or activity carried out  
22                   under this section, the Secretary may credit the  
23                   value of the work toward the non-Federal share  
24                   of the cost of the project or activity. Such value  
25                   shall be determined by the Secretary.

1   **SEC. 570. GREAT LAKES.**

2           (a) GREAT LAKES TRIBUTARY MODEL.—Section 516  
3 of the Water Resources Development Act of 1996 (33  
4 U.S.C. 2326b) is amended—

5           (1) by adding at the end of subsection (e) the  
6 following:

7           “(3) REPORT.—Not later than December 31,  
8 2003, the Secretary shall transmit to Congress a re-  
9 port on the Secretary’s activities under this sub-  
10 section.”; and

11          (2) in subsection (g)—

12           (A) by striking “There is authorized” and  
13 inserting the following:

14           “(1) IN GENERAL.—There is authorized”;

15           (B) by adding at the end the following:

16           “(2) GREAT LAKES TRIBUTARY MODEL.—In ad-  
17 dition to amounts made available under paragraph  
18 (1), there is authorized to be appropriated to carry  
19 out subsection (e) \$5,000,000 for each of fiscal  
20 years 2002 through 2006.”; and

21           (C) by aligning the remainder of the text  
22 of paragraph (1) (as designated by subpara-  
23 graph (A) of this paragraph) with paragraph  
24 (2) (as added by subparagraph (B) of this  
25 paragraph).

26          (b) ALTERNATIVE ENGINEERING TECHNOLOGIES.—

1           (1) DEVELOPMENT OF PLAN.—The Secretary  
2       shall develop and transmit to Congress a plan to en-  
3       hance the application of ecological principles and  
4       practices to traditional engineering problems at  
5       Great Lakes shores.

6           (2) AUTHORIZATION OF APPROPRIATIONS.—  
7       There is authorized to be appropriated to carry out  
8       this subsection \$200,000. Activities under this sub-  
9       section shall be carried out at Federal expense.

10       (c) FISHERIES AND ECOSYSTEM RESTORATION.—

11           (1) DEVELOPMENT OF PLAN.—The Secretary  
12       shall develop and transmit to Congress a plan for  
13       implementing Corps of Engineers activities, includ-  
14       ing ecosystem restoration, to enhance the manage-  
15       ment of Great Lakes fisheries.

16           (2) AUTHORIZATION OF APPROPRIATIONS.—  
17       There is authorized to be appropriated to carry out  
18       this subsection \$300,000. Activities under this sub-  
19       section shall be carried out at Federal expense.

20       **SEC. 571. GREAT LAKES REMEDIAL ACTION PLANS AND**  
21               **SEDIMENT REMEDIATION.**

22       Section 401 of the Water Resources Development Act  
23       of 1990 (33 U.S.C. 1268 note; 110 Stat. 3763; 113 Stat.  
24       338) is amended—

1 (1) in subsection (a)(2)(A) by striking “50 per-  
2 cent” and inserting “35 percent”;

3 (2) in subsection (b)—

4 (A) by striking paragraph (3);

5 (B) in the first sentence of paragraph (4)  
6 by striking “50 percent” and inserting “35 per-  
7 cent”; and

8 (C) by redesignating paragraph (4) as  
9 paragraph (3); and

10 (3) in subsection (c) by striking “\$5,000,000  
11 for each of fiscal years 1998 through 2000.” and in-  
12 serting “\$10,000,000 for each of fiscal years 2001  
13 through 2005.”.

14 **SEC. 572. GREAT LAKES DREDGING LEVELS ADJUSTMENT.**

15 (a) DEFINITION OF GREAT LAKE.—In this section,  
16 the term “Great Lake” means Lake Superior, Lake Michi-  
17 gan, Lake Huron (including Lake St. Clair), Lake Erie,  
18 and Lake Ontario (including the St. Lawrence River to  
19 the 45th parallel of latitude).

20 (b) DREDGING LEVELS.—In operating and maintain-  
21 ing Federal channels and harbors of, and the connecting  
22 channels between, the Great Lakes, the Secretary shall  
23 conduct such dredging as is necessary to ensure minimal  
24 operation depths consistent with the original authorized  
25 depths of the channels and harbors when water levels in

1 the Great Lakes are, or are forecast to be, below the Inter-  
2 national Great Lakes Datum of 1985.

3 **SEC. 573. DREDGED MATERIAL RECYCLING.**

4 (a) PILOT PROGRAM.—The Secretary shall conduct  
5 a pilot program to provide incentives for the removal of  
6 dredged material from a confined disposal facility associ-  
7 ated with a harbor on the Great Lakes or the Saint Law-  
8 rence River and a harbor on the Delaware River in Penn-  
9 sylvania for the purpose of recycling the dredged material  
10 and extending the life of the confined disposal facility.

11 (b) REPORT.—Not later than 90 days after the date  
12 of completion of the pilot program, the Secretary shall  
13 transmit to Congress a report on the results of the pro-  
14 gram.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
16 authorized to be appropriated to carry out this section  
17 \$2,000,000.

18 **SEC. 574. WATERSHED MANAGEMENT, RESTORATION, AND**  
19 **DEVELOPMENT.**

20 Section 503(d) of the Water Resources Development  
21 Act of 1996 (110 Stat. 3756–3757; 113 Stat. 288) is  
22 amended by adding at the end the following:

23 “(28) Tomales Bay watershed, California.

24 “(29) Kaskaskia River watershed, Illinois.

25 “(30) Sangamon River watershed, Illinois.

1           “(31) Lackawanna River watershed, Pennsyl-  
2       vania.

3           “(32) Upper Charles River watershed, Massa-  
4       chusetts.

5           “(33) Brazos River watershed, Texas.”.

6   **SEC. 575. MAINTENANCE OF NAVIGATION CHANNELS.**

7       Section 509(a) of the Water Resources Development  
8   Act of 1996 (110 Stat. 3759; 113 Stat. 339) is amended  
9   by adding at the end the following:

10           “(16) Cameron Loop, Louisiana, as part of the  
11   Calcasieu River and Pass Ship Channel.

12           “(17) Morehead City Harbor, North Carolina.”.

13   **SEC. 576. SUPPORT OF ARMY CIVIL WORKS PROGRAM.**

14       The requirements of section 2361 of title 10, United  
15   States Code, shall not apply to any contract, cooperative  
16   research and development agreement, cooperative agree-  
17   ment, or grant entered into under section 229 of the  
18   Water Resources Development Act of 1996 (110 Stat.  
19   3703) between the Secretary and Marshall University or  
20   entered into under section 350 of the Water Resources  
21   Development Act of 1999 (113 Stat. 310) between the  
22   Secretary and Juniata College.

23   **SEC. 577. NATIONAL RECREATION RESERVATION SERVICE.**

24       Notwithstanding section 611 of the Treasury and  
25   General Government Appropriations Act, 1999 (112 Stat.

1 2861–515), the Secretary may participate in the National  
2 Recreation Reservation Service on an interagency basis  
3 and fund the Department of the Army's share of the cost  
4 of activities required for implementing, operating, and  
5 maintaining the Service.

6 **SEC. 578. HYDROGRAPHIC SURVEY.**

7       The Secretary shall enter into an agreement with the  
8 Administrator of the National Oceanographic and Atmos-  
9 pheric Administration to require the Secretary, not later  
10 than 60 days after the Corps of Engineers completes a  
11 project involving dredging of a channel, to provide data  
12 to the Administration in a standard digital format on the  
13 results of a hydrographic survey of the channel conducted  
14 by the Corps of Engineers.

15 **SEC. 579. PERCHLORATE.**

16       (a) IN GENERAL.—The Secretary, in cooperation  
17 with Federal, State, and local government agencies, may  
18 participate in studies and other investigative activities and  
19 in the planning and design of projects determined by the  
20 Secretary to offer a long-term solution to the problem of  
21 groundwater contamination caused by perchlorates.

22       (b) INVESTIGATIONS AND PROJECTS.—

23           (1) BOSQUE AND LEON RIVERS.—The Sec-  
24 retary, in coordination with other Federal agencies  
25 and the Brazos River Authority, shall participate



1 under subsection (a) in investigations and projects  
2 in the Bosque and Leon River watersheds in Texas  
3 to assess the impact of the perchlorate associated  
4 with the former Naval “Weapons Industrial Reserve  
5 Plant” at McGregor, Texas.

6 (2) CADDO LAKE.—The Secretary, in coordina-  
7 tion with other Federal agencies and the Northeast  
8 Texas Municipal Water District, shall participate  
9 under subsection (a) in investigations and projects  
10 relating to perchlorate contamination in Caddo  
11 Lake, Texas.

12 (3) EASTERN SANTA CLARA BASIN.—The Sec-  
13 retary, in coordination with other Federal, State,  
14 and local government agencies, shall participate  
15 under subsection (a) in investigations and projects  
16 related to sites that are sources of perchlorates and  
17 that are located in the city of Santa Clarita, Cali-  
18 fornia.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—For the  
20 purposes of carrying out this section, there is authorized  
21 to be appropriated to the Secretary \$25,000,000, of which  
22 not to exceed \$8,000,000 shall be available to carry out  
23 subsection (b)(1), not to exceed \$3,000,000 shall be avail-  
24 able to carry out subsection (b)(2), and not to exceed

1 \$7,000,000 shall be available to carry out subsection  
2 (b)(3).

3 **SEC. 580. ABANDONED AND INACTIVE NONCOAL MINE RES-**  
4 **TORATION.**

5 Section 560 of the Water Resources Development Act  
6 of 1999 (33 USC 2336; 113 Stat. 354–355) is amended—

7 (1) in subsection (a) by striking “and design”  
8 and inserting “design, and construction”;

9 (2) in subsection (c) by striking “50” and in-  
10 serting “35”;

11 (3) in subsection (e) by inserting “and colleges  
12 and universities, including the members of the West-  
13 ern Universities Mine-Land Reclamation and Res-  
14 toration Consortium, for the purposes of assisting in  
15 the reclamation of abandoned noncoal mines and”  
16 after “entities”; and

17 (4) by striking subsection (f) and inserting the  
18 following:

19 “(f) NON-FEDERAL INTERESTS.—In this section, the  
20 term ‘non-Federal interests’ includes, with the consent of  
21 the affected local government, nonprofit entities, notwith-  
22 standing section 221 of the Flood Control Act of 1970  
23 (42 U.S.C. 1962d-5b).

24 “(g) OPERATION AND MAINTENANCE.—The non-  
25 Federal share of the costs of operation and maintenance

1 for a project carried out under this section shall be 100  
2 percent.

3 “(h) CREDIT.—A non-Federal interest shall receive  
4 credit toward the non-Federal share of the cost of a  
5 project under this section for design and construction serv-  
6 ices and other in-kind consideration provided by the non-  
7 Federal interest if the Secretary determines that such de-  
8 sign and construction services and other in-kind consider-  
9 ation are integral to the project.

10 “(i) COST LIMITATION.—Not more than \$10,000,000  
11 of the amounts appropriated to carry out this section may  
12 be allotted for projects in a single locality, but the Sec-  
13 retary may accept funds voluntarily contributed by a non-  
14 Federal or Federal entity for the purpose of expanding  
15 the scope of the services requested by the non-Federal or  
16 Federal entity.

17 “(j) NO EFFECT ON LIABILITY.—The provision of  
18 assistance under this section shall not relieve from liability  
19 any person that would otherwise be liable under Federal  
20 or State law for damages, response costs, natural resource  
21 damages, restitution, equitable relief, or any other relief.

22 “(k) AUTHORIZATION OF APPROPRIATIONS.—There  
23 is authorized to be appropriated to carry out this section  
24 \$45,000,000. Such sums shall remain available until ex-  
25 pended.”.

1   **SEC. 581. LAKES PROGRAM.**

2           Section 602 of the Water Resources Development Act  
3   of 1986 (100 Stat. 4148–4149) is further amended—

4           (1) in subsection (b) by inserting “and activity”  
5   after “project”;

6           (2) in subsection (c) by inserting “and activities  
7   under subsection (f)” before the comma; and

8           (3) by adding at the end the following:

9           “(f) CENTER FOR LAKE EDUCATION AND RESEARCH,  
10   OTSEGO LAKE, NEW YORK.—

11           “(1) IN GENERAL.—The Secretary shall con-  
12   struct an environmental education and research fa-  
13   cility at Otsego Lake, New York. The purpose of the  
14   Center shall be to—

15           “(A) conduct nationwide research on the  
16   impacts of water quality and water quantity on  
17   lake hydrology and the hydrologic cycle;

18           “(B) develop technologies and strategies  
19   for monitoring and improving water quality in  
20   the Nation’s lakes; and

21           “(C) provide public education regarding  
22   the biological, economic, recreational, and aes-  
23   thetic value of the Nation’s lakes.

24           “(2) USE OF RESEARCH.—The results of re-  
25   search and education activities carried out at the  
26   Center shall be applied to the program under sub-

1 section (a) and to other Federal programs, projects,  
2 and activities that are intended to improve or other-  
3 wise affect lakes.

4 “(3) BIOLOGICAL MONITORING STATION.—A  
5 central function of the Center shall be to research,  
6 develop, test, and evaluate biological monitoring  
7 technologies and techniques for potential use at  
8 lakes listed in subsection (a) and throughout the Na-  
9 tion.

10 “(4) CREDIT.—The non-Federal sponsor shall  
11 receive credit for lands, easements, rights-of-way,  
12 and relocations toward its share of project costs.

13 “(5) AUTHORIZATION OF APPROPRIATIONS.—In  
14 addition to sums authorized by subsection (d), there  
15 is authorized to be appropriated to carry out this  
16 subsection \$6,000,000. Such sums shall remain  
17 available until expended.”.

18 **SEC. 582. RELEASE OF USE RESTRICTION.**

19 (a) RELEASE.—Notwithstanding any other provision  
20 of law, the Tennessee Valley Authority shall grant a re-  
21 lease or releases, without monetary consideration, from  
22 the restriction covenant which requires that property de-  
23 scribed in subsection (b) shall at all times be used solely  
24 for the purpose of erecting docks and buildings for ship-  
25 building purposes or for the manufacture or storage of

1 products for the purpose of trading or shipping in trans-  
2 portation.

3 (b) DESCRIPTION OF PROPERTY.—This section shall  
4 apply only to those lands situated in the city of Decatur,  
5 Morgan County, Alabama, and running along the easterly  
6 boundary of a tract of land described in an indenture con-  
7 veying such lands to the Ingalls Shipbuilding Corporation  
8 dated July 29, 1954, and recorded in deed book 535 at  
9 page 6 in the office of the Probate Judge of Morgan Coun-  
10 ty, Alabama, which are owned or may hereafter be ac-  
11 quired by the Alabama Farmers Cooperative, Inc.

12 **SEC. 583. COMPREHENSIVE ENVIRONMENTAL RESOURCES**  
13 **PROTECTION.**

14 (a) IN GENERAL.—Under section 219(a) of the  
15 Water Resources Development Act of 1992 (106 Stat.  
16 4835), the Secretary may provide technical, planning, and  
17 design assistance to non-Federal interests to carry out  
18 water-related projects described in this section.

19 (b) NON-FEDERAL SHARE.—Notwithstanding section  
20 219(b) of the Water Resources Development Act of 1992  
21 (106 Stat. 4835), the non-Federal share of the cost of  
22 each project assisted in accordance with this section shall  
23 be 25 percent.

1       (c) PROJECT DESCRIPTIONS.—The Secretary may  
2 provide assistance in accordance with subsection (a) to  
3 each of the following projects:

4           (1) MARANA, ARIZONA.—Wastewater treatment  
5 and distribution infrastructure, Marana, Arizona.

6           (2) EASTERN ARKANSAS ENTERPRISE COMMU-  
7 NITY, ARKANSAS.—Water-related infrastructure,  
8 Eastern Arkansas Enterprise Community, Cross,  
9 Lee, Monroe, and St. Francis Counties, Arkansas.

10          (3) CHINO HILLS, CALIFORNIA.—Storm water  
11 and sewage collection infrastructure, Chino Hills,  
12 California.

13          (4) CLEAR LAKE BASIN, CALIFORNIA.—Water-  
14 related infrastructure and resource protection, Clear  
15 Lake Basin, California.

16          (5) DESERT HOT SPRINGS, CALIFORNIA.—Re-  
17 source protection and wastewater infrastructure,  
18 Desert Hot Springs, California.

19          (6) EASTERN MUNICIPAL WATER DISTRICT,  
20 CALIFORNIA.—Regional water-related infrastructure,  
21 Eastern Municipal Water District, California.

22          (7) HUNTINGTON BEACH, CALIFORNIA.—Water  
23 supply and wastewater infrastructure, Huntington  
24 Beach, California.

1           (8) INGLEWOOD, CALIFORNIA.—Water infra-  
2           structure, Inglewood, California.

3           (9) LOS OSOS COMMUNITY SERVICE DISTRICT,  
4           CALIFORNIA.—Wastewater infrastructure, Los Osos  
5           Community Service District, California.

6           (10) NORWALK, CALIFORNIA.—Water-related  
7           infrastructure, Norwalk, California.

8           (11) KEY BISCAYNE, FLORIDA.—Sanitary sewer  
9           infrastructure, Key Biscayne, Florida.

10          (12) SOUTH TAMPA, FLORIDA.—Water supply  
11          and aquifer storage and recovery infrastructure,  
12          South Tampa, Florida.

13          (13) FORT WAYNE, INDIANA.—Combined sewer  
14          overflow infrastructure and wetlands protection,  
15          Fort Wayne, Indiana.

16          (14) INDIANAPOLIS, INDIANA.—Combined sewer  
17          overflow infrastructure, Indianapolis, Indiana.

18          (15) ST. CHARLES, ST. BERNARD, AND  
19          PLAQUEMINES PARISHES, LOUISIANA.—Water and  
20          wastewater infrastructure, St. Charles, St. Bernard,  
21          and Plaquemines Parishes, Louisiana.

22          (16) ST. JOHN THE BAPTIST AND ST. JAMES  
23          PARISHES, LOUISIANA.—Water and sewer improve-  
24          ments, St. John the Baptist and St. James Par-  
25          ishes, Louisiana.



1           (17) UNION COUNTY, NORTH CAROLINA.—  
2       Water infrastructure, Union County, North Caro-  
3       lina.

4           (18) HOOD RIVER, OREGON.—Water trans-  
5       mission infrastructure, Hood River, Oregon.

6           (19) MEDFORD, OREGON.—Sewer collection in-  
7       frastructure, Medford, Oregon.

8           (20) PORTLAND, OREGON.—Water infrastruc-  
9       ture and resource protection, Portland, Oregon.

10          (21) COUDERSPORT, PENNSYLVANIA.—Sewer  
11       system extensions and improvements, Coudersport,  
12       Pennsylvania.

13          (22) PARK CITY, UTAH.—Water supply infra-  
14       structure, Park City, Utah.

15       (d) AUTHORIZATION OF APPROPRIATIONS.—

16           (1) IN GENERAL.—There is authorized to be  
17       appropriated \$25,000,000 for providing assistance in  
18       accordance with subsection (a) to the projects de-  
19       scribed in subsection (c).

20           (2) AVAILABILITY.—Sums authorized to be ap-  
21       propriated under this subsection shall remain avail-  
22       able until expended.

23       (e) ADDITIONAL ASSISTANCE FOR CRITICAL RE-  
24       SOURCE PROJECTS.—The Secretary may provide assist-

1   ance in accordance with subsection (a) and assistance for  
2   construction for each the following projects:

3           (1)   DUCK   RIVER,   CULLMAN,   ALABAMA.—  
4           \$5,000,000 for water supply infrastructure, Duck  
5           River, Cullman, Alabama.

6           (2)   UNION   COUNTY,   ARKANSAS.—\$52,000,000  
7           for water supply infrastructure, including facilities  
8           for withdrawal, treatment, and distribution, Union  
9           County, Arkansas.

10          (3)   CAMBRIA,   CALIFORNIA.—\$10,300,000 for  
11          desalination infrastructure, Cambria, California.

12          (4)   LOS ANGELES HARBOR/TERMINAL ISLAND,  
13          CALIFORNIA.—\$6,500,000 for wastewater recycling  
14          infrastructure, Los Angeles Harbor/Terminal Island,  
15          California.

16          (5)   NORTH VALLEY REGION, LANCASTER, CALI-  
17          FORNIA.—\$14,500,000 for water infrastructure,  
18          North Valley Region, Lancaster, California.

19          (6)   SAN   DIEGO   COUNTY,   CALIFORNIA.—  
20          \$10,000,000 for water-related infrastructure, San  
21          Diego County, California.

22          (7)   SOUTH PERRIS, CALIFORNIA.—\$25,000,000  
23          for water supply desalination infrastructure, South  
24          Perris, California.

1           (8) AURORA, ILLINOIS.—\$8,000,000 for waste-  
2           water infrastructure to reduce or eliminate combined  
3           sewer overflows, Aurora, Illinois.

4           (9) COOK COUNTY, ILLINOIS.—\$35,000,000 for  
5           water-related infrastructure and resource protection  
6           and development, Cook County, Illinois.

7           (10) MADISON AND ST. CLAIR COUNTIES, ILLI-  
8           NOIS.—\$10,000,000 for water and wastewater as-  
9           sistance, Madison and St. Clair Counties, Illinois.

10          (11) IBERIA PARISH, LOUISIANA.—\$5,000,000  
11          for water and wastewater infrastructure, Iberia Par-  
12          ish, Louisiana.

13          (12) KENNER, LOUISIANA.—\$5,000,000 for  
14          wastewater infrastructure, Kenner, Louisiana.

15          (13) GARRISON AND KATHIO TOWNSHIP, MIN-  
16          NESOTA.—\$11,000,000 for a wastewater infrastruc-  
17          ture project for the city of Garrison and Kathio  
18          Township, Minnesota.

19          (14) NEWTON, NEW JERSEY.—\$7,000,000 for  
20          water filtration infrastructure, Newton, New Jersey.

21          (15) LIVERPOOL, NEW YORK.—\$2,000,000 for  
22          water infrastructure, including a pump station,  
23          Liverpool, New York.

1           (16) STANLY COUNTY, NORTH CAROLINA.—  
2       \$8,900,000 for wastewater infrastructure, Stanly  
3       County, North Carolina.

4           (17) YUKON, OKLAHOMA.—\$5,500,000 for  
5       water-related infrastructure, including wells, booster  
6       stations, storage tanks, and transmission lines,  
7       Yukon, Oklahoma.

8           (18) ALLEGHENY COUNTY, PENNSYLVANIA.—  
9       \$20,000,000 for water-related environmental infra-  
10      structure, Allegheny County, Pennsylvania.

11          (19) MOUNT JOY TOWNSHIP AND CONEWAGO  
12      TOWNSHIP, PENNSYLVANIA.—\$8,300,000 for water  
13      and wastewater infrastructure, Mount Joy Township  
14      and Conewago Township, Pennsylvania.

15          (20) PHOENIXVILLE BOROUGH, CHESTER  
16      COUNTY, PENNSYLVANIA.—\$2,400,000 for water  
17      and sewer infrastructure, Phoenixville Borough,  
18      Chester County, Pennsylvania.

19          (21) TITUSVILLE, PENNSYLVANIA.—\$7,300,000  
20      for storm water separation and treatment plant up-  
21      grades, Titusville, Pennsylvania.

22          (22) WASHINGTON, GREENE, WESTMORELAND,  
23      AND FAYETTE COUNTIES, PENNSYLVANIA.—  
24      \$8,000,000 for water and wastewater infrastructure,

1 Washington, Greene, Westmoreland, and Fayette  
2 Counties, Pennsylvania.

3 **SEC. 584. MODIFICATION OF AUTHORIZATIONS FOR ENVI-**  
4 **RONMENTAL PROJECTS.**

5 Section 219 of the Water Resources Development Act  
6 of 1992 (106 Stat. 4835, 4836) is amended—

7 (1) in subsection (e)(6) by striking  
8 “\$20,000,000” and inserting “\$30,000,000”;

9 (2) in subsection (f)(4) by striking  
10 “\$15,000,000” and inserting “\$35,000,000”;

11 (3) in subsection (f)(21) by striking  
12 “\$10,000,000” and inserting “\$20,000,000”;

13 (4) in subsection (f)(25) by striking  
14 “\$5,000,000” and inserting “\$15,000,000”;

15 (5) in subsection (f)(30) by striking  
16 “\$10,000,000” and inserting “\$20,000,000”;

17 (6) in subsection (f)(43) by striking  
18 “\$15,000,000” and inserting “\$35,000,000”; and

19 (7) in subsection (f) by adding at the end the  
20 following new paragraph:

21 “(44) WASHINGTON, D.C., AND MARYLAND.—  
22 \$15,000,000 for the project described in subsection  
23 (c)(1), modified to include measures to eliminate or  
24 control combined sewer overflows in the Anacostia  
25 River watershed.”.

1 **SEC. 585. LAND CONVEYANCES.**

2 (a) THOMPSON, CONNECTICUT.—

3 (1) IN GENERAL.—The Secretary shall convey  
4 by quitclaim deed without consideration to the town  
5 of Thompson, Connecticut, all right, title, and inter-  
6 est of the United States in and to the approximately  
7 1.36-acre parcel of land described in paragraph (2)  
8 for public ownership and use by the town for fire  
9 fighting and related emergency services purposes.

10 (2) LAND DESCRIPTION.—The parcel of land  
11 referred to in paragraph (1) is in the town of  
12 Thompson, county of Windham, State of Con-  
13 necticut, on the northerly side of West Thompson  
14 Road owned by the United States and shown as Par-  
15 cel A on a plan by Provost, Rovero, Fitzback enti-  
16 tled “Property Survey Prepared for West Thompson  
17 Independent Firemen Association #1” dated August  
18 24, 1998, bounded and described as follows:

19 Beginning at a bound labeled WT-276 on  
20 the northerly side line of West Thompson Road,  
21 so called, at the most south corner of the Parcel  
22 herein described and at land now or formerly of  
23 West Thompson Independent Firemen Associa-  
24 tion No. 1;

25 Thence in a generally westerly direction by  
26 said northerly side line of West Thompson

1 Road, by a curve to the left, having a radius of  
2 640.00 feet a distance of 169.30 feet to a point;

3 Thence North 13 degrees, 08 minutes, 37  
4 seconds East by the side line of said West  
5 Thompson Road a distance of 10.00 feet to a  
6 point;

7 Thence in a generally westerly direction by  
8 the northerly side line of said West Thompson  
9 Road, by a curve to the left having a radius of  
10 650.00 feet a distance of 109.88 feet to a  
11 bound labeled WT-123, at land now or for-  
12 merly of the United States of America;

13 Thence North 44 degrees, 43 minutes, 07  
14 seconds East by said land now or formerly of  
15 the United States of America a distance of  
16 185.00 feet to a point;

17 Thence North 67 degrees, 34 minutes, 13  
18 seconds East by said land now or formerly of  
19 the United States of America a distance of  
20 200.19 feet to a point in a stonewall;

21 Thence South 20 degrees, 49 minutes, 17  
22 seconds East by a stonewall and by said land  
23 now or formerly of the United States of Amer-  
24 ica a distance of 253.10 feet to a point at land

1 now or formerly of West Thompson Inde-  
2 pendent Firemen Association No. 1;

3 Thence North 57 degrees, 45 minutes, 25  
4 seconds West by land now or formerly of said  
5 West Thompson Independent Firemen Associa-  
6 tion No. 1 a distance of 89.04 feet to a bound  
7 labeled WT-277;

8 Thence South 32 degrees, 14 minutes, 35  
9 seconds West by land now or formerly of said  
10 West Thompson Independent Firemen Associa-  
11 tion No. 1 a distance of 123.06 feet to the  
12 point of beginning.

13 (3) REVERSION.—If the Secretary determines  
14 that the parcel described in paragraph (2) ceases to  
15 be held in public ownership or used for fire fighting  
16 and related emergency services, all right, title, and  
17 interest in and to the parcel shall revert to the  
18 United States.

19 (b) SIBLEY MEMORIAL HOSPITAL, WASHINGTON,  
20 DISTRICT OF COLUMBIA.—

21 (1) IN GENERAL.—The Secretary shall convey  
22 to the Lucy Webb Hayes National Training School  
23 for Deaconesses and Missionaries Conducting Sibley  
24 Memorial Hospital (in this subsection referred to as  
25 the “Hospital”) by quitclaim deed under the terms



1 of a negotiated sale, all right, title, and interest of  
2 the United States in and to the 8.864-acre parcel of  
3 land described in paragraph (2) for medical care and  
4 parking purposes. The consideration paid under such  
5 negotiated sale shall reflect the value of the parcel,  
6 taking into consideration the terms and conditions of  
7 the conveyance imposed under this subsection.

8 (2) LAND DESCRIPTION.—The parcel of land  
9 referred to in paragraph (1) is the parcel described  
10 as follows: Beginning at a point on the westerly  
11 right-of-way line of Dalecarlia Parkway, said point  
12 also being on the southerly division line of part of  
13 Square N1448, A&T Lot 801 as recorded in A&T  
14 2387 and part of the property of the United States  
15 Government, thence with said southerly division line  
16 now described:

17 (A) North  $35^{\circ} 05' 40''$  West—436.31 feet  
18 to a point, thence

19 (B) South  $89^{\circ} 59' 30''$  West—550 feet to  
20 a point, thence

21 (C) South  $53^{\circ} 48' 00''$  West—361.08 feet  
22 to a point, thence

23 (D) South  $89^{\circ} 59' 30''$  West—466.76 feet  
24 to a point at the southwesterly corner of the  
25 aforesaid A&T Lot 801, said point also being

1 on the easterly right-of-way line of MacArthur  
2 Boulevard, thence with a portion of the westerly  
3 division line of said A&T Lot 801 and the eas-  
4 terly right-of-way line of MacArthur Boulevard,  
5 as now described.

6 (E) 78.62 feet along the arc of a curve to  
7 the right having a radius of 650.98 feet, chord  
8 bearing and distance of North  $06^{\circ} 17' 20''$   
9 West—78.57 feet to a point, thence crossing to  
10 include a portion of aforesaid A&T Lot 801 and  
11 a portion of the aforesaid Dalecarlia Reservoir  
12 Grounds, as now described

13 (F) North  $87^{\circ} 18' 21''$  East—258.85 feet  
14 to a point, thence

15 (G) North  $02^{\circ} 49' 16''$  West—214.18 feet  
16 to a point, thence

17 (H) South  $87^{\circ} 09' 00''$  West—238.95 feet  
18 to a point on the aforesaid easterly right-of-way  
19 line of MacArthur Boulevard, thence with said  
20 easterly right-of-way line, as now described

21 (I) North  $08^{\circ} 41' 30''$  East—30.62 feet to  
22 a point, thence crossing to include a portion of  
23 aforesaid A&T Lot 801 and a portion of the  
24 aforesaid Dalecarlia Reservoir Grounds, as now  
25 described

1                   (J) North  $87^{\circ} 09' 00''$  East—373.96 feet  
2                   to a point, thence  
3                   (K) North  $88^{\circ} 42' 48''$  East—374.92 feet  
4                   to a point, thence  
5                   (L) North  $56^{\circ} 53' 40''$  East—53.16 feet to  
6                   a point, thence  
7                   (M) North  $86^{\circ} 00' 15''$  East—26.17 feet  
8                   to a point, thence  
9                   (N) South  $87^{\circ} 24' 50''$  East—464.01 feet  
10                  to a point, thence  
11                  (O) North  $83^{\circ} 34' 31''$  East—212.62 feet  
12                  to a point, thence  
13                  (P) South  $30^{\circ} 16' 12''$  East—108.97 feet  
14                  to a point, thence  
15                  (Q) South  $38^{\circ} 30' 23''$  East—287.46 feet  
16                  to a point, thence  
17                  (R) South  $09^{\circ} 03' 38''$  West—92.74 feet  
18                  to the point on the aforesaid westerly right-of-  
19                  way line of Dalecarlia Parkway, thence with  
20                  said westerly right-of-way line, as now described  
21                  (S) 197.74 feet along the arc of a curve to  
22                  the right having a radius of 916.00 feet, chord  
23                  bearing and distance of South  $53^{\circ} 54' 43''$   
24                  West—197.35 feet to the place of beginning.

1           (3) TERMS AND CONDITIONS.—The conveyance  
2       under this subsection shall be subject to the fol-  
3       lowing terms and conditions:

4           (A) LIMITATION ON THE USE OF CERTAIN  
5       PORTIONS OF THE PARCEL.—The Secretary  
6       shall include in any deed conveying the parcel  
7       under this section a restriction to prevent the  
8       Hospital, and its successors and assigns, from  
9       constructing any structure, other than a struc-  
10      ture used exclusively for the parking of motor  
11      vehicles, on the portion of the parcel that lies  
12      between the Washington Aqueduct and Little  
13      Falls Road.

14          (B) LIMITATION ON CERTAIN LEGAL CHAL-  
15      LENGES.—The Secretary shall require the Hos-  
16      pital, and its successors and assigns, to refrain  
17      from raising any legal challenge to the oper-  
18      ations of the Washington Aqueduct arising  
19      from any impact such operations may have on  
20      the activities conducted by the Hospital on the  
21      parcel.

22          (C) EASEMENT.—The Secretary shall re-  
23      quire that the conveyance be subject to the re-  
24      tention of an easement permitting the United  
25      States, and its successors and assigns, to use

1           and maintain the portion of the parcel de-  
2           scribed as follows: Beginning at a point on the  
3           easterly or South  $35^{\circ} 05' 40''$  East—436.31  
4           foot plat line of Lot 25 as shown on a subdivi-  
5           sion plat recorded in book 175 page 102 among  
6           the records of the Office of the Surveyor of the  
7           District of Columbia, said point also being on  
8           the northerly right-of-way line of Dalecarlia  
9           Parkway, thence running with said easterly line  
10          of Lot 25 and crossing to include a portion of  
11          the aforesaid Dalecarlia Reservoir Grounds as  
12          now described:

13                   (i) North  $35^{\circ} 05' 40''$  West—495.13  
14           feet to a point, thence

15                   (ii) North  $87^{\circ} 24' 50''$  West—414.43  
16           feet to a point, thence

17                   (iii) South  $81^{\circ} 08' 00''$  West—69.56  
18           feet to a point, thence

19                   (iv) South  $88^{\circ} 42' 48''$  West—367.50  
20           feet to a point, thence

21                   (v) South  $87^{\circ} 09' 00''$  West—379.68  
22           feet to a point on the easterly right-of-way  
23           line of MacArthur Boulevard, thence with  
24           said easterly right-of-way line, as now de-  
25           scribed

- 1 (vi) North  $08^{\circ} 41' 30''$  East—30.62  
2 feet to a point, thence crossing to include  
3 a portion of the aforesaid Dalecarlia Res-  
4 ervoir Grounds, as now described
- 5 (vii) North  $87^{\circ} 09' 00''$  East—373.96  
6 feet to a point, thence
- 7 (viii) North  $88^{\circ} 42' 48''$  East—  
8 374.92 feet to a point, thence
- 9 (ix) North  $56^{\circ} 53' 40''$  East—53.16  
10 feet to a point, thence
- 11 (x) North  $86^{\circ} 00' 15''$  East—26.17  
12 feet to a point, thence
- 13 (xi) South  $87^{\circ} 24' 50''$  East—464.01  
14 feet to a point, thence
- 15 (xii) North  $83^{\circ} 34' 31''$  East—50.62  
16 feet to a point, thence
- 17 (xiii) South  $02^{\circ} 35' 10''$  West—46.46  
18 feet to a point, thence
- 19 (xiv) South  $13^{\circ} 38' 12''$  East—107.83  
20 feet to a point, thence
- 21 (xv) South  $35^{\circ} 05' 40''$  East—347.97  
22 feet to a point on the aforesaid northerly  
23 right-of-way line of Dalecarlia Parkway,  
24 thence with said right-of-way line, as now  
25 described

1 (xvi) 44.12 feet along the arc of a  
2 curve to the right having a radius of  
3 855.00 feet, chord bearing and distance of  
4 South 58° 59' 22" West—44.11 feet to the  
5 place of beginning containing 1.7157 acres  
6 of land more or less as now described by  
7 Maddox Engineers and Surveyors, Inc.,  
8 June 2000, Job #00015.

9 (4) APPRAISAL.—Before conveying any right,  
10 title, or interest under this subsection, the Secretary  
11 shall obtain an appraisal of the fair market value of  
12 the parcel.

13 (c) ONTONAGON, MICHIGAN.—

14 (1) IN GENERAL.—The Secretary shall convey  
15 by quitclaim deed without consideration to the  
16 Ontonagon County Historical Society all right, title,  
17 and interest of the United States in and to the par-  
18 cel of land underlying and immediately surrounding  
19 the lighthouse at Ontonagon, Michigan, consisting of  
20 approximately 1.8 acres, together with any improve-  
21 ments thereon, for public ownership and for public  
22 purposes.

23 (2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—  
24 The exact acreage and the legal description of the  
25 real property described in paragraph (1) shall be de-

1       terminated by a survey that is satisfactory to the Sec-  
2       retary.

3           (3) REVERSION.—If the Secretary determines  
4       that the real property described in paragraph (1)  
5       ceases to be held in public ownership or used for  
6       public purposes, all right, title, and interest in and  
7       to the property shall revert to the United States.

8       (d) PIKE COUNTY, MISSOURI.—

9           (1) LAND EXCHANGE.—Subject to paragraphs  
10      (3) and (4), at such time as S.S.S., Inc. conveys all  
11      right, title, and interest in and to the parcel of land  
12      described in paragraph (2)(A) to the United States,  
13      the Secretary shall convey by quitclaim deed all  
14      right, title, and interest in the parcel of land de-  
15      scribed in paragraph (2)(B) to S.S.S., Inc.

16          (2) LAND DESCRIPTION.—The parcels of land  
17      referred to in paragraph (1) are the following:

18           (A) NON-FEDERAL LAND.—8.99 acres with  
19      existing flowage easements situated in Pike  
20      County, Missouri, adjacent to land being ac-  
21      quired from Holnam, Inc. by the Corps of Engi-  
22      neers.

23           (B) FEDERAL LAND.—8.99 acres situated  
24      in Pike County, Missouri, known as Govern-



1           ment Tract Numbers FM-46 and FM-47, ad-  
2           ministered by the Corps of Engineers.

3           (3) CONDITIONS.—The exchange of land under  
4           paragraph (1) shall be subject to the following con-  
5           ditions:

6                   (A) DEEDS.—

7                           (i) NON-FEDERAL LAND.—The con-  
8                   veyance of the land described in paragraph  
9                   (2)(A) to the Secretary shall be by a quit-  
10                  claim deed acceptable to the Secretary.

11                           (ii) FEDERAL LAND.—The instrument  
12                   of conveyance used to convey the land de-  
13                   scribed in paragraph (2)(B) to S.S.S., Inc.  
14                   shall contain such reservations, terms, and  
15                   conditions as the Secretary considers nec-  
16                   essary to allow the United States to oper-  
17                   ate and maintain the Mississippi River 9-  
18                   Foot Navigation Project.

19                   (B) REMOVAL OF IMPROVEMENTS.—  
20           S.S.S., Inc. may remove any improvements on  
21           the land described in paragraph (2)(A). The  
22           Secretary may require S.S.S., Inc. to remove  
23           any improvements on the land described in  
24           paragraph (2)(A). In either case, S.S.S., Inc.  
25           shall hold the United States harmless from li-

1 ability, and the United States shall not incur  
2 costs associated with the removal or relocation  
3 of any of the improvements.

4 (C) TIME LIMIT FOR EXCHANGE.—The  
5 land exchange under paragraph (1) shall be  
6 completed not later than 2 years after the date  
7 of enactment of this Act.

8 (D) LEGAL DESCRIPTION.—The Secretary  
9 shall provide the legal description of the lands  
10 described in paragraph (2). The legal descrip-  
11 tion shall be used in the instruments of convey-  
12 ance of the lands.

13 (4) VALUE OF PROPERTIES.—If the appraised  
14 fair market value, as determined by the Secretary,  
15 of the land conveyed to S.S.S., Inc. by the Secretary  
16 under paragraph (1) exceeds the appraised fair mar-  
17 ket value, as determined by the Secretary, of the  
18 land conveyed to the United States by S.S.S., Inc.  
19 under paragraph (1), S.S.S., Inc. shall make a pay-  
20 ment equal to the excess in cash or a cash equivalent  
21 to the United States.

22 (e) CANDY LAKE PROJECT, OSAGE COUNTY, OKLA-  
23 HOMA.—Section 563(c)(1)(B) of the Water Resources De-  
24 velopment Act of 1999 (113 Stat. 357) is amended by

1 striking “a deceased individual” and inserting “an indi-  
2 vidual”.

3 (f) MANOR TOWNSHIP, PENNSYLVANIA.—

4 (1) IN GENERAL.—In accordance with this sub-  
5 section, the Secretary shall convey by quitclaim deed  
6 to the township of Manor, Pennsylvania, all right,  
7 title, and interest of the United States in and to the  
8 approximately 113 acres of real property located at  
9 Crooked Creek Lake, together with any improve-  
10 ments on the land.

11 (2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—  
12 The exact acreage and the legal description of the  
13 real property described in paragraph (1) shall be de-  
14 termined by a survey that is satisfactory to the Sec-  
15 retary.

16 (3) CONSIDERATION.—The Secretary may con-  
17 vey under this subsection without consideration any  
18 portion of the real property described in paragraph  
19 (1) if the portion is to be retained in public owner-  
20 ship and be used for public park and recreation or  
21 other public purposes.

22 (4) REVERSION.—If the Secretary determines  
23 that any portion of the property conveyed under  
24 paragraph (3) ceases to be held in public ownership  
25 or to be used for public park and recreation or other

1 public purposes, all right, title, and interest in and  
2 to such portion of property shall revert to the Sec-  
3 retary.

4 (5) PAYMENT OF COSTS.—The township of  
5 Manor, Pennsylvania shall be responsible for all  
6 costs associated with a conveyance under this sub-  
7 section, including the cost of conducting the survey  
8 referred to in paragraph (2).

9 (g) NEW SAVANNAH BLUFF LOCK AND DAM, SAVAN-  
10 NAH RIVER, SOUTH CAROLINA, BELOW AUGUSTA.—

11 (1) IN GENERAL.—The Secretary shall convey  
12 by quitclaim deed to the city of North Augusta and  
13 Aiken County, South Carolina, the lock, dam, and  
14 appurtenant features at New Savannah Bluff, in-  
15 cluding the adjacent approximately 50-acre park and  
16 recreation area with improvements of the navigation  
17 project, Savannah River Below Augusta, Georgia,  
18 authorized by the first section of the River and Har-  
19 bor Act of July 3, 1930 (46 Stat. 924), subject to  
20 the execution of an agreement by the Secretary and  
21 the city of North Augusta and Aiken County, South  
22 Carolina, that specifies the terms and conditions for  
23 such conveyance.

24 (2) TREATMENT OF LOCK, DAM, APPURTENANT  
25 FEATURES, AND PARK AND RECREATION AREA.—

1       The lock, dam, appurtenant features, adjacent park  
2       and recreation area, and other project lands, to be  
3       conveyed under paragraph (1) shall not be treated  
4       as part of any Federal water resources project after  
5       the effective date of the transfer.

6           (3) OPERATION AND MAINTENANCE.—Oper-  
7       ation and maintenance of all features of the naviga-  
8       tion project, other than the lock, dam, appurtenant  
9       features, adjacent park and recreation area, and  
10      other project lands to be conveyed under paragraph  
11      (1), shall continue to be a Federal responsibility  
12      after the effective date of the transfer under para-  
13      graph (1).

14      (h) TRI-CITIES AREA, WASHINGTON.—Section 501(i)  
15      of the Water Resources Development Act of 1996 (110  
16      Stat. 3752–3753) is amended—

17           (1) by inserting before the period at the end of  
18      paragraph (1) the following: “; except that any of  
19      such local governments, with the agreement of the  
20      appropriate district engineer, may exempt from the  
21      conveyance to the local government all or any part  
22      of the lands to be conveyed to the local govern-  
23      ment”; and

24           (2) by inserting before the period at the end of  
25      paragraph (2)(C) the following: “; except that ap-

1       proximately 7.4 acres in Columbia Park, Kennewick,  
2       Washington, consisting of the historic site located in  
3       the Park and known and referred to as the  
4       Kennewick Man Site and such adjacent wooded  
5       areas as the Secretary determines are necessary to  
6       protect the historic site, shall remain in Federal  
7       ownership”.

8       (i) BAYOU TECHE, LOUISIANA.—

9           (1) IN GENERAL.—After renovations of the  
10       Keystone Lock facility have been completed, the Sec-  
11       retary may convey by quitclaim deed without consid-  
12       eration to St. Martin Parish, Louisiana, all rights,  
13       interests, and title of the United States in the ap-  
14       proximately 12.03 acres of land under the adminis-  
15       trative jurisdiction of the Secretary in Bayou Teche,  
16       Louisiana, together with improvements thereon. The  
17       dam and the authority to retain upstream pool ele-  
18       vations shall remain under the jurisdiction of the  
19       Secretary. The Secretary shall relinquish all oper-  
20       ations and maintenance of the lock to St. Martin  
21       Parish.

22       (2) CONDITIONS.—The following conditions  
23       apply to the transfer under paragraph (1):

24           (A) St. Martin Parish shall operate, main-  
25       tain, repair, replace, and rehabilitate the lock in

1           accordance with regulations prescribed by the  
2           Secretary which are consistent with the  
3           project's authorized purposes.

4           (B) The Parish shall provide the Secretary  
5           access to the dam whenever the Secretary noti-  
6           fies the Parish of a need for access to the dam.

7           (C) If the Parish fails to comply with sub-  
8           paragraph (A), the Secretary shall notify the  
9           Parish of such failure. If the parish does not  
10          correct such failure during the 1-year period be-  
11          ginning on the date of such notification, the  
12          Secretary shall have a right of reverter to re-  
13          claim possession and title to the land and im-  
14          provements conveyed under this section or, in  
15          the case of a failure to make necessary repairs,  
16          the Secretary may effect the repairs and require  
17          payment from the Parish for the repairs made  
18          by the Secretary.

19       (j) JOLIET, ILLINOIS.—

20           (1) IN GENERAL.—The Secretary shall convey  
21          by quitclaim deed without consideration to the Joliet  
22          Park District in Joliet, Illinois, all right, title, and  
23          interest of the United States in and to the parcel of  
24          real property located at 622 Railroad Street in the  
25          city of Joliet, consisting of approximately 2 acres,

1 together with any improvements thereon, for public  
2 ownership and use as the site of the headquarters of  
3 the park district.

4 (2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—

5 The exact acreage and the legal description of the  
6 real property described in paragraph (1) shall be de-  
7 termined by a survey that is satisfactory to the Sec-  
8 retary.

9 (3) REVERSION.—If the Secretary determines  
10 that the property conveyed under paragraph (1)  
11 ceases to be held in public ownership or to be used  
12 as headquarters of the park district or for other pur-  
13 poses, all right, title, and interest in and to such  
14 property shall revert to the United States.

15 (k) OTTAWA, ILLINOIS.—

16 (1) CONVEYANCE OF PROPERTY.—Subject to  
17 the terms, conditions, and reservations of paragraph  
18 (2), the Secretary shall convey by quitclaim deed to  
19 the Young Men's Christian Association of Ottawa,  
20 Illinois (in this subsection referred to as the  
21 "YMCA"), all right, title, and interest of the United  
22 States in and to a portion of the easements acquired  
23 for the improvement of the Illinois Waterway project  
24 over a parcel of real property owned by the YMCA,  
25 known as the "Ottawa, Illinois YMCA Site", and lo-



1 cated at 201 E. Jackson Street, Ottawa, La Salle  
2 County, Illinois (portion of NE  $\frac{1}{4}$ , S11, T33N, R3E  
3 3PM), except that portion lying below the elevation  
4 of 461 feet National Geodetic Vertical Datum.

5 (2) CONDITIONS.—The following conditions  
6 apply to the conveyance under paragraph (1):

7 (A) The exact acreage and the legal de-  
8 scription of the real property described in para-  
9 graph (1) shall be determined by a survey that  
10 is satisfactory to the Secretary.

11 (B) The YMCA shall agree to hold and  
12 save the United States harmless from liability  
13 associated with the operation and maintenance  
14 of the Illinois Waterway project on the property  
15 desscribed in paragraph (1).

16 (C) If the Secretary determines that any  
17 portion of the property that is the subject of  
18 the easement conveyed under paragraph (1)  
19 ceases to be used as the YMCA, all right, title,  
20 and interest in and to such easement shall re-  
21 vert to the Secretary.

22 (I) ST. CLAIR AND BENTON COUNTIES, MISSOURI.—

23 (1) IN GENERAL.—The Secretary shall convey  
24 to the Iconium Fire Protection District, St. Clair  
25 and Benton counties, Missouri, by quitclaim deed

1       and without consideration, all right, title, and inter-  
2       est of the United States in and to the parcel of land  
3       described in paragraph (2).

4           (2) LAND DESCRIPTION.—The parcel of land to  
5       be conveyed under paragraph (1) is the tract of land  
6       located in the Southeast  $\frac{1}{4}$  of Section 13, Township  
7       39 North, Range 25 West, of the Fifth Principal  
8       Meridian, St. Clair County, Missouri, more particu-  
9       larly described as follows: Commencing at the South-  
10      west corner of Section 18, as designated by Corps  
11      survey marker AP 18–1, thence northerly 11.22 feet  
12      to the southeast corner of Section 13, thence 657.22  
13      feet north along the east line of Section 13 to Corps  
14      monument 18 1–C lying within the right-of-way of  
15      State Highway C, being the point of beginning of  
16      the tract of land herein described; thence westerly  
17      approximately 210 feet, thence northerly 150 feet,  
18      thence easterly approximately 210 feet to the east  
19      line of Section 13, thence southerly along said east  
20      line, 150 feet to the point of beginning, containing  
21      0.723 acres, more or less.

22           (3) REVERSION.—If the Secretary determines  
23      that the property conveyed under paragraph (1)  
24      ceases to be held in public ownership or to be used  
25      as a site for a fire station, all right, title, and inter-

1 est in and to such property shall revert to the  
2 United States.

3 (m) GENERALLY APPLICABLE PROVISIONS.—

4 (1) APPLICABILITY OF PROPERTY SCREENING  
5 PROVISIONS.—Section 2696 of title 10, United  
6 States Code, shall not apply to any conveyance  
7 under this section.

8 (2) ADDITIONAL TERMS AND CONDITIONS.—

9 The Secretary may require that any conveyance  
10 under this section be subject to such additional  
11 terms and conditions as the Secretary considers ap-  
12 propriate and necessary to protect the interests of  
13 the United States.

14 (3) COSTS OF CONVEYANCE.—An entity to  
15 which a conveyance is made under this section shall  
16 be responsible for all reasonable and necessary costs,  
17 including real estate transaction and environmental  
18 compliance costs, associated with the conveyance.

19 (4) LIABILITY.—An entity to which a convey-  
20 ance is made under this section shall hold the  
21 United States harmless from any liability with re-  
22 spect to activities carried out, on or after the date  
23 of the conveyance, on the real property conveyed.  
24 The United States shall remain responsible for any

1 liability with respect to activities carried out, before  
2 such date, on the real property conveyed.

3 **SEC. 586. BRUCE F. VENTO UNIT OF THE BOUNDARY WA-**  
4 **TERS CANOE AREA WILDERNESS, MIN-**  
5 **NESOTA.**

6 (a) DESIGNATION.—The portion of the Boundary  
7 Waters Canoe Area Wilderness, Minnesota, situated north  
8 and east of the Gunflint Corridor and that is bounded by  
9 the United States border with Canada to the north shall  
10 be known and designated as the “Bruce F. Vento Unit  
11 of the Boundary Waters Canoe Area Wilderness”.

12 (b) LEGAL REFERENCE.—Any reference in a law,  
13 map, regulation, document, paper, or other record of the  
14 United States to the area referred to in paragraph (1)  
15 shall be deemed to be a reference to the “Bruce F. Vento  
16 Unit of the Boundary Waters Canoe Area Wilderness”.

17 **SEC. 587. WAURIKA LAKE, OKLAHOMA.**

18 The remaining obligation of the Waurika Project  
19 Master Conservancy District payable to the United States  
20 Government in the amounts, rates of interest, and pay-  
21 ment schedules is set at the amounts, rates of interest,  
22 and payment schedules that existed, and that both parties  
23 agreed to, on June 3, 1986, and may not be adjusted,  
24 altered, or changed without a specific, separate, and writ-

1 ten agreement between the District and the United States  
2 Government.

3 **SEC. 588. COLUMBIA RIVER TREATY FISHING ACCESS.**

4 Section 401(d) of the Act entitled “An Act to estab-  
5 lish procedures for review of tribal constitutions and by-  
6 laws or amendments thereto pursuant to the Act of June  
7 18, 1934 (48 Stat. 987)”, approved November 1, 1988  
8 (102 Stat. 2944), is amended by striking “\$2,000,000”  
9 and inserting “\$4,000,000”.

10 **SEC. 589. DEVILS LAKE, NORTH DAKOTA.**

11 No appropriation shall be made to construct an emer-  
12 gency outlet from Devils Lake, North Dakota, to the  
13 Sheyenne River if the final plans for the emergency outlet  
14 have not been approved by resolutions adopted by the  
15 Committee on Transportation and Infrastructure of the  
16 House of Representatives and the Committee on Environ-  
17 ment and Public Works of the Senate.

18 **TITLE VI—COMPREHENSIVE**  
19 **EVERGLADES RESTORATION**

20 **SEC. 601. COMPREHENSIVE EVERGLADES RESTORATION**  
21 **PLAN.**

22 (a) DEFINITIONS.—In this section, the following defi-  
23 nitions apply:

24 (1) CENTRAL AND SOUTHERN FLORIDA  
25 PROJECT.—

1           (A) IN GENERAL.—The term “Central and  
2           Southern Florida Project” means the project  
3           for Central and Southern Florida authorized  
4           under the heading “CENTRAL AND SOUTHERN  
5           FLORIDA” in section 203 of the Flood Control  
6           Act of 1948 (62 Stat. 1176).

7           (B) INCLUSION.—The term “Central and  
8           Southern Florida Project” includes any modi-  
9           fication to the project authorized by this section  
10          or any other provision of law.

11          (2) GOVERNOR.—The term “Governor” means  
12          the Governor of the State of Florida.

13          (3) NATURAL SYSTEM.—

14               (A) IN GENERAL.—The term “natural sys-  
15               tem” means all land and water managed by the  
16               Federal Government or the State within the  
17               South Florida ecosystem.

18               (B) INCLUSIONS.—The term “natural sys-  
19               tem” includes—

- 20                       (i) water conservation areas;
- 21                       (ii) sovereign submerged land;
- 22                       (iii) Everglades National Park;
- 23                       (iv) Biscayne National Park;
- 24                       (v) Big Cypress National Preserve;

1 (vi) other Federal or State (including  
2 a political subdivision of a State) land that  
3 is designated and managed for conserva-  
4 tion purposes; and

5 (vii) any tribal land that is designated  
6 and managed for conservation purposes, as  
7 approved by the tribe.

8 (4) PLAN.—The term “Plan” means the Com-  
9 prehensive Everglades Restoration Plan contained in  
10 the “Final Integrated Feasibility Report and Pro-  
11 grammatic Environmental Impact Statement”, dated  
12 April 1, 1999, as modified by this section.

13 (5) SOUTH FLORIDA ECOSYSTEM.—

14 (A) IN GENERAL.—The term “South Flor-  
15 ida ecosystem” means the area consisting of the  
16 land and water within the boundary of the  
17 South Florida Water Management District in  
18 effect on July 1, 1999.

19 (B) INCLUSIONS.—The term “South Flor-  
20 ida ecosystem” includes—

21 (i) the Everglades;  
22 (ii) the Florida Keys; and  
23 (iii) the contiguous near-shore coastal  
24 water of South Florida.

1           (6) STATE.—The term “State” means the State  
2       of Florida.

3       (b) COMPREHENSIVE EVERGLADES RESTORATION  
4 PLAN.—

5           (1) APPROVAL.—

6           (A) IN GENERAL.—Except as modified by  
7       this section, the Plan is approved as a frame-  
8       work for modifications and operational changes  
9       to the Central and Southern Florida Project  
10      that are needed to restore, preserve, and protect  
11      the South Florida ecosystem while providing for  
12      other water-related needs of the region, includ-  
13      ing water supply and flood protection. The Plan  
14      shall be implemented to ensure the protection of  
15      water quality in, the reduction of the loss of  
16      fresh water from, and the improvement of the  
17      environment of the South Florida ecosystem  
18      and to achieve and maintain the benefits to the  
19      natural system and human environment de-  
20      scribed in the Plan, and required pursuant to  
21      this section, for as long as the project is author-  
22      ized.

23           (B) INTEGRATION.—In carrying out the  
24      Plan, the Secretary shall integrate the activities  
25      described in subparagraph (A) with ongoing



1 Federal and State projects and activities in ac-  
2 cordance with section 528(c) of the Water Re-  
3 sources Development Act of 1996 (110 Stat.  
4 3769). Unless specifically provided herein, noth-  
5 ing in this section shall be construed to modify  
6 any existing cost share or responsibility for  
7 projects as listed in subsection (c) or (e) of sec-  
8 tion 528 of the Water Resources Development  
9 Act of 1996 (110 Stat. 3769).

10 (2) SPECIFIC AUTHORIZATIONS.—

11 (A) IN GENERAL.—

12 (i) PROJECTS.—The Secretary shall  
13 carry out the projects included in the Plan  
14 in accordance with subparagraphs (B),  
15 (C), (D), and (E).

16 (ii) CONSIDERATIONS.—In carrying  
17 out activities described in the Plan, the  
18 Secretary shall—

19 (I) take into account the protec-  
20 tion of water quality by considering  
21 applicable State water quality stand-  
22 ards; and

23 (II) include such features as the  
24 Secretary determines are necessary to  
25 ensure that all ground water and sur-

1 face water discharges from any  
2 project feature authorized by this sub-  
3 section will meet all applicable water  
4 quality standards and applicable water  
5 quality permitting requirements.

6 (iii) REVIEW AND COMMENT.—In de-  
7 veloping the projects authorized under sub-  
8 paragraph (B), the Secretary shall provide  
9 for public review and comment in accord-  
10 ance with applicable Federal law.

11 (B) PILOT PROJECTS.—The following pilot  
12 projects are authorized for implementation,  
13 after review and approval by the Secretary, at  
14 a total cost of \$69,000,000, with an estimated  
15 Federal cost of \$34,500,000 and an estimated  
16 non-Federal cost of \$34,500,000:

17 (i) Caloosahatchee River (C-43)  
18 Basin ASR, at a total cost of \$6,000,000,  
19 with an estimated Federal cost of  
20 \$3,000,000 and an estimated non-Federal  
21 cost of \$3,000,000.

22 (ii) Lake Belt In-Ground Reservoir  
23 Technology, at a total cost of \$23,000,000,  
24 with an estimated Federal cost of

1                   \$11,500,000 and an estimated non-Federal  
2                   cost of \$11,500,000.

3                   (iii) L-31N Seepage Management, at  
4                   a total cost of \$10,000,000, with an esti-  
5                   mated Federal cost of \$5,000,000 and an  
6                   estimated non-Federal cost of \$5,000,000.

7                   (iv) Wastewater Reuse Technology, at  
8                   a total cost of \$30,000,000, with an esti-  
9                   mated Federal cost of \$15,000,000 and an  
10                  estimated non-Federal cost of  
11                  \$15,000,000.

12                  (C) INITIAL PROJECTS.—The following  
13                  projects are authorized for implementation,  
14                  after review and approval by the Secretary, sub-  
15                  ject to the conditions stated in subparagraph  
16                  (D), at a total cost of \$1,100,918,000, with an  
17                  estimated Federal cost of \$550,459,000 and an  
18                  estimated non-Federal cost of \$550,459,000:

19                  (i) C-44 Basin Storage Reservoir, at  
20                  a total cost of \$112,562,000, with an esti-  
21                  mated Federal cost of \$56,281,000 and an  
22                  estimated non-Federal cost of  
23                  \$56,281,000.

24                  (ii) Everglades Agricultural Area  
25                  Storage Reservoirs—Phase I, at a total

1 cost of \$233,408,000, with an estimated  
2 Federal cost of \$116,704,000 and an esti-  
3 mated non-Federal cost of \$116,704,000.

4 (iii) Site 1 Impoundment, at a total  
5 cost of \$38,535,000, with an estimated  
6 Federal cost of \$19,267,500 and an esti-  
7 mated non-Federal cost of \$19,267,500.

8 (iv) Water Conservation Areas 3A/3B  
9 Levee Seepage Management, at a total cost  
10 of \$100,335,000, with an estimated Fed-  
11 eral cost of \$50,167,500 and an estimated  
12 non-Federal cost of \$50,167,500.

13 (v) C-11 Impoundment and  
14 Stormwater Treatment Area, at a total  
15 cost of \$124,837,000, with an estimated  
16 Federal cost of \$62,418,500 and an esti-  
17 mated non-Federal cost of \$62,418,500.

18 (vi) C-9 Impoundment and  
19 Stormwater Treatment Area, at a total  
20 cost of \$89,146,000, with an estimated  
21 Federal cost of \$44,573,000 and an esti-  
22 mated non-Federal cost of \$44,573,000.

23 (vii) Taylor Creek/Nubbin Slough  
24 Storage and Treatment Area, at a total  
25 cost of \$104,027,000, with an estimated

1 Federal cost of \$52,013,500 and an esti-  
2 mated non-Federal cost of \$52,013,500.

3 (viii) Raise and Bridge East Portion  
4 of Tamiami Trail and Fill Miami Canal  
5 within Water Conservation Area 3, at a  
6 total cost of \$26,946,000, with an esti-  
7 mated Federal cost of \$13,473,000 and an  
8 estimated non-Federal cost of  
9 \$13,473,000.

10 (ix) North New River Improvements,  
11 at a total cost of \$77,087,000, with an es-  
12 timated Federal cost of \$38,543,500 and  
13 an estimated non-Federal cost of  
14 \$38,543,500.

15 (x) C-111 Spreader Canal, at a total  
16 cost of \$94,035,000, with an estimated  
17 Federal cost of \$47,017,500 and an esti-  
18 mated non-Federal cost of \$47,017,500.

19 (xi) Adaptive Assessment and Moni-  
20 toring Program, at a total cost of  
21 \$100,000,000, with an estimated Federal  
22 cost of \$50,000,000 and an estimated non-  
23 Federal cost of \$50,000,000.

24 (D) CONDITIONS.—

1 (i) PROJECT IMPLEMENTATION RE-  
2 PORTS.—Before implementation of a  
3 project described in any of clauses (i)  
4 through (x) of subparagraph (C), the Sec-  
5 retary shall review and approve for the  
6 project a project implementation report  
7 prepared in accordance with subsections (f)  
8 and (h).

9 (ii) SUBMISSION OF REPORT.—The  
10 Secretary shall submit to the Committee  
11 on Transportation and Infrastructure of  
12 the House of Representatives and the  
13 Committee on Environment and Public  
14 Works of the Senate the project implemen-  
15 tation report required by subsections (f)  
16 and (h) for each project under this para-  
17 graph (including all relevant data and in-  
18 formation on all costs).

19 (iii) FUNDING CONTINGENT ON AP-  
20 PROVAL.—No appropriation shall be made  
21 to construct any project under this para-  
22 graph if the project implementation report  
23 for the project has not been approved by  
24 resolutions adopted by the Committee on  
25 Transportation and Infrastructure of the

1 House of Representatives and the Com-  
2 mittee on Environment and Public Works  
3 of the Senate.

4 (iv) MODIFIED WATER DELIVERY.—  
5 No appropriation shall be made to con-  
6 struct the Water Conservation Area 3  
7 Decompartmentalization and Sheetflow  
8 Enhancement Project (including compo-  
9 nent AA, Additional S-345 Structures;  
10 component QQ Phase 1, Raise and Bridge  
11 East Portion of Tamiami Trail and Fill  
12 Miami Canal within WCA 3; component  
13 QQ Phase 2, WCA 3  
14 Decompartmentalization and Sheetflow  
15 Enhancement; and component SS, North  
16 New River Improvements) or the Central  
17 Lakebelt Storage Project (including com-  
18 ponents S and EEE, Central Lake Belt  
19 Storage Area) until the completion of the  
20 project to improve water deliveries to Ever-  
21 glades National Park authorized by section  
22 104 of the Everglades National Park Pro-  
23 tection and Expansion Act of 1989 (16  
24 U.S.C. 410r-8).

1 (E) MAXIMUM COST OF PROJECTS.—Sec-  
2 tion 902 of the Water Resources Development  
3 Act of 1986 (33 U.S.C. 2280) shall apply to  
4 each project feature authorized under this sub-  
5 section.

6 (c) ADDITIONAL PROGRAM AUTHORITY.—

7 (1) IN GENERAL.—To expedite implementation  
8 of the Plan, the Secretary may implement modifica-  
9 tions to the Central and Southern Florida Project  
10 that—

11 (A) are described in the Plan; and

12 (B) will produce a substantial benefit to  
13 the restoration, preservation and protection of  
14 the South Florida ecosystem.

15 (2) PROJECT IMPLEMENTATION REPORTS.—Be-  
16 fore implementation of any project feature author-  
17 ized under this subsection, the Secretary shall review  
18 and approve for the project feature a project imple-  
19 mentation report prepared in accordance with sub-  
20 sections (f) and (h).

21 (3) FUNDING.—

22 (A) INDIVIDUAL PROJECT FUNDING.—

23 (i) FEDERAL COST.—The total Fed-  
24 eral cost of each project carried out under



1                   this subsection shall not exceed  
2                   \$12,500,000.

3                   (ii) OVERALL COST.—The total cost of  
4                   each project carried out under this sub-  
5                   section shall not exceed \$25,000,000.

6                   (B) AGGREGATE COST.—The total cost of  
7                   all projects carried out under this subsection  
8                   shall not exceed \$206,000,000, with an esti-  
9                   mated Federal cost of \$103,000,000 and an es-  
10                  timated non-Federal cost of \$103,000,000.

11               (d) AUTHORIZATION OF FUTURE PROJECTS.—

12               (1) IN GENERAL.—Except for a project author-  
13               ized by subsection (b) or (c), any project included in  
14               the Plan shall require a specific authorization by  
15               Congress.

16               (2) SUBMISSION OF REPORT.—Before seeking  
17               congressional authorization for a project under para-  
18               graph (1), the Secretary shall submit to Congress—

19                   (A) a description of the project; and

20                   (B) a project implementation report for  
21               the project prepared in accordance with sub-  
22               sections (f) and (h).

23               (e) COST SHARING.—

1           (1) FEDERAL SHARE.—The Federal share of  
2           the cost of carrying out a project authorized by sub-  
3           section (b), (c), or (d) shall be 50 percent.

4           (2) NON-FEDERAL RESPONSIBILITIES.—The  
5           non-Federal sponsor with respect to a project de-  
6           scribed in subsection (b), (c), or (d), shall be—

7                   (A) responsible for all land, easements,  
8                   rights-of-way, and relocations necessary to im-  
9                   plement the Plan; and

10                   (B) afforded credit toward the non-Federal  
11                   share of the cost of carrying out the project in  
12                   accordance with paragraph (5)(A).

13           (3) FEDERAL ASSISTANCE.—

14                   (A) IN GENERAL.—The non-Federal spon-  
15                   sor with respect to a project authorized by sub-  
16                   section (b), (c), or (d) may use Federal funds  
17                   for the purchase of any land, easement, rights-  
18                   of-way, or relocation that is necessary to carry  
19                   out the project if any funds so used are credited  
20                   toward the Federal share of the cost of the  
21                   project.

22                   (B) AGRICULTURE FUNDS.—Funds pro-  
23                   vided to the non-Federal sponsor under the  
24                   Conservation Restoration and Enhancement  
25                   Program (CREP) and the Wetlands Reserve

1           Program (WRP) for projects in the Plan shall  
2           be credited toward the non-Federal share of the  
3           cost of the Plan if the Secretary of Agriculture  
4           certifies that the funds provided may be used  
5           for that purpose. Funds to be credited do not  
6           include funds provided under section 390 of the  
7           Federal Agriculture Improvement and Reform  
8           Act of 1996 (110 Stat. 1022).

9           (4) OPERATION AND MAINTENANCE.—Notwith-  
10          standing section 528(e)(3) of the Water Resources  
11          Development Act of 1996 (110 Stat. 3770), the non-  
12          Federal sponsor shall be responsible for 50 percent  
13          of the cost of operation, maintenance, repair, re-  
14          placement, and rehabilitation activities authorized  
15          under this section. Furthermore, the Seminole Tribe  
16          of Florida shall be responsible for 50 percent of the  
17          cost of operation, maintenance, repair, replacement,  
18          and rehabilitation activities for the Big Cypress  
19          Seminole Reservation Water Conservation Plan  
20          Project.

21          (5) CREDIT.—

22                (A) IN GENERAL.—Notwithstanding sec-  
23          tion 528(e)(4) of the Water Resources Develop-  
24          ment Act of 1996 (110 Stat. 3770) and regard-  
25          less of the date of acquisition, the value of

1 lands or interests in lands and incidental costs  
2 for land acquired by a non-Federal sponsor in  
3 accordance with a project implementation re-  
4 port for any project included in the Plan and  
5 authorized by Congress shall be—

6 (i) included in the total cost of the  
7 project; and

8 (ii) credited toward the non-Federal  
9 share of the cost of the project.

10 (B) WORK.—The Secretary may provide  
11 credit, including in-kind credit, toward the non-  
12 Federal share for the reasonable cost of any  
13 work performed in connection with a study,  
14 preconstruction engineering and design, or con-  
15 struction that is necessary for the implementa-  
16 tion of the Plan if—

17 (i)(I) the credit is provided for work  
18 completed during the period of design, as  
19 defined in a design agreement between the  
20 Secretary and the non-Federal sponsor; or

21 (II) the credit is provided for work  
22 completed during the period of construc-  
23 tion, as defined in a project cooperation  
24 agreement for an authorized project be-

1           tween the Secretary and the non-Federal  
2           sponsor;

3                 (ii) the design agreement or the  
4           project cooperation agreement prescribes  
5           the terms and conditions of the credit; and

6                 (iii) the Secretary determines that the  
7           work performed by the non-Federal spon-  
8           sor is integral to the project.

9           (C) TREATMENT OF CREDIT BETWEEN  
10          PROJECTS.—Any credit provided under this  
11          paragraph may be carried over between author-  
12          ized projects in accordance with subparagraph  
13          (D).

14          (D) PERIODIC MONITORING.—

15                 (i) IN GENERAL.—To ensure that the  
16           contributions of the non-Federal sponsor  
17           equal 50 percent proportionate share for  
18           projects in the Plan, during each 5-year  
19           period, beginning with commencement of  
20           design of the Plan, the Secretary shall, for  
21           each project—

22                         (I) monitor the non-Federal pro-  
23           vision of cash, in-kind services, and  
24           land; and

1 (II) manage, to the maximum ex-  
2 tent practicable, the requirement of  
3 the non-Federal sponsor to provide  
4 cash, in-kind services, and land.

5 (ii) OTHER MONITORING.—The Sec-  
6 retary shall conduct monitoring under  
7 clause (i) separately for the  
8 preconstruction engineering and design  
9 phase and the construction phase.

10 (E) AUDITS.—Credit for land (including  
11 land value and incidental costs) or work pro-  
12 vided under this subsection shall be subject to  
13 audit by the Secretary.

14 (f) EVALUATION OF PROJECTS.—

15 (1) IN GENERAL.—Before implementation of a  
16 project authorized by subsection (c) or (d) or any of  
17 clauses (i) through (x) of subsection (b)(2)(C), the  
18 Secretary, in cooperation with the non-Federal spon-  
19 sor, shall complete, after notice and opportunity for  
20 public comment and in accordance with subsection  
21 (h), a project implementation report for the project.

22 (2) PROJECT JUSTIFICATION.—

23 (A) IN GENERAL.—Notwithstanding sec-  
24 tion 209 of the Flood Control Act of 1970 (42  
25 U.S.C. 1962–2) or any other provision of law,

1 in carrying out any activity authorized under  
2 this section or any other provision of law to re-  
3 store, preserve, or protect the South Florida  
4 ecosystem, the Secretary may determine that—

5 (i) the activity is justified by the envi-  
6 ronmental benefits derived by the South  
7 Florida ecosystem; and

8 (ii) no further economic justification  
9 for the activity is required, if the Secretary  
10 determines that the activity is cost-effec-  
11 tive.

12 (B) APPLICABILITY.—Subparagraph (A)  
13 shall not apply to any separable element in-  
14 tended to produce benefits that are predomi-  
15 nantly unrelated to the restoration, preserva-  
16 tion, and protection of the natural system.

17 (g) EXCLUSIONS AND LIMITATIONS.—The following  
18 Plan components are not approved for implementation:

19 (1) WATER INCLUDED IN THE PLAN.—

20 (A) IN GENERAL.—Any project that is de-  
21 signed to implement the capture and use of the  
22 approximately 245,000 acre-feet of water de-  
23 scribed in section 7.7.2 of the Plan shall not be  
24 implemented until such time as—

1 (i) the project-specific feasibility study  
2 described in subparagraph (B) on the need  
3 for and physical delivery of the approxi-  
4 mately 245,000 acre-feet of water, con-  
5 ducted by the Secretary, in cooperation  
6 with the non-Federal sponsor, is com-  
7 pleted;

8 (ii) the project is favorably rec-  
9 ommended in a final report of the Chief of  
10 Engineers; and

11 (iii) the project is authorized by Act  
12 of Congress.

13 (B) PROJECT-SPECIFIC FEASIBILITY  
14 STUDY.—The project-specific feasibility study  
15 referred to in subparagraph (A) shall include—

16 (i) a comprehensive analysis of the  
17 structural facilities proposed to deliver the  
18 approximately 245,000 acre-feet of water  
19 to the natural system;

20 (ii) an assessment of the requirements  
21 to divert and treat the water;

22 (iii) an assessment of delivery alter-  
23 natives;

24 (iv) an assessment of the feasibility of  
25 delivering the water downstream while



1 maintaining current levels of flood protec-  
2 tion to affected property; and

3 (v) any other assessments that are de-  
4 termined by the Secretary to be necessary  
5 to complete the study.

6 (2) WASTEWATER REUSE.—

7 (A) IN GENERAL.—On completion and  
8 evaluation of the wastewater reuse pilot project  
9 described in subsection (b)(2)(B)(iv), the Sec-  
10 retary, in an appropriately timed 5-year report,  
11 shall describe the results of the evaluation of  
12 advanced wastewater reuse in meeting, in a  
13 cost-effective manner, the requirements of res-  
14 toration of the natural system.

15 (B) SUBMISSION.—The Secretary shall  
16 submit to Congress the report described in sub-  
17 paragraph (A) before congressional authoriza-  
18 tion for advanced wastewater reuse is sought.

19 (3) PROJECTS APPROVED WITH LIMITATIONS.—

20 The following projects in the Plan are approved for  
21 implementation with limitations:

22 (A) LOXAHATCHEE NATIONAL WILDLIFE  
23 REFUGE.—The Federal share for land acquisi-  
24 tion in the project to enhance existing wetland  
25 systems along the Loxahatchee National Wild-

1 life Refuge, including the Stazzulla tract,  
2 should be funded through the budget of the De-  
3 partment of the Interior.

4 (B) SOUTHERN CORKSCREW REGIONAL  
5 ECOSYSTEM.—The Southern Corkscrew regional  
6 ecosystem watershed addition should be accom-  
7 plished outside the scope of the Plan.

8 (h) ASSURANCE OF PROJECT BENEFITS.—

9 (1) IN GENERAL.—The overarching objective of  
10 the Plan is the restoration, preservation, and protec-  
11 tion of the South Florida Ecosystem while providing  
12 for other water-related needs of the region, including  
13 water supply and flood protection. The Plan shall be  
14 implemented to ensure the protection of water qual-  
15 ity in, the reduction of the loss of fresh water from,  
16 the improvement of the environment of the South  
17 Florida Ecosystem and to achieve and maintain the  
18 benefits to the natural system and human environ-  
19 ment described in the Plan, and required pursuant  
20 to this section, for as long as the project is author-  
21 ized.

22 (2) AGREEMENT.—

23 (A) IN GENERAL.—In order to ensure that  
24 water generated by the Plan will be made avail-  
25 able for the restoration of the natural system,

1 no appropriations, except for any pilot project  
2 described in subsection (b)(2)(B), shall be made  
3 for the construction of a project contained in  
4 the Plan until the President and the Governor  
5 enter into a binding agreement under which the  
6 State shall ensure, by regulation or other ap-  
7 propriate means, that water made available by  
8 each project in the Plan shall not be permitted  
9 for a consumptive use or otherwise made un-  
10 available by the State until such time as suffi-  
11 cient reservations of water for the restoration of  
12 the natural system are made under State law in  
13 accordance with the project implementation re-  
14 port for that project and consistent with the  
15 Plan.

16 (B) ENFORCEMENT.—

17 (i) IN GENERAL.—Any person or enti-  
18 ty that is aggrieved by a failure of the  
19 United States or any other Federal Gov-  
20 ernment instrumentality or agency, or the  
21 Governor or any other officer of a State in-  
22 strumentality or agency, to comply with  
23 any provision of the agreement entered  
24 into under subparagraph (A) may bring a  
25 civil action in United States district court

1 for an injunction directing the United  
2 States or any other Federal Government  
3 instrumentality or agency or the Governor  
4 or any other officer of a State instrumen-  
5 tality or agency, as the case may be, to  
6 comply with the agreement.

7 (ii) LIMITATIONS ON COMMENCEMENT  
8 OF CIVIL ACTION.—No civil action may be  
9 commenced under clause (i)—

10 (I) before the date that is 60  
11 days after the Secretary and the Gov-  
12 ernor receive written notice of a fail-  
13 ure to comply with the agreement; or

14 (II) if the United States has  
15 commenced and is diligently pros-  
16 ecuting an action in a court of the  
17 United States or a State to redress a  
18 failure to comply with the agreement.

19 (C) TRUST RESPONSIBILITIES.—In car-  
20 rying out his responsibilities under this sub-  
21 section with respect to the restoration of the  
22 South Florida ecosystem, the Secretary of the  
23 Interior shall fulfill his obligations to the Indian  
24 tribes in South Florida under the Indian trust

1 doctrine as well as other applicable legal obliga-  
2 tions.

3 (3) PROGRAMMATIC REGULATIONS.—

4 (A) ISSUANCE.—Not later than 2 years  
5 after the date of enactment of this Act, the Sec-  
6 retary shall, after notice and opportunity for  
7 public comment, with the concurrence of the  
8 Governor and the Secretary of the Interior, and  
9 in consultation with the Seminole Tribe of Flor-  
10 ida, the Miccosukee Tribe of Indians of Florida,  
11 the Administrator of the Environmental Protec-  
12 tion Agency, the Secretary of Commerce, and  
13 other Federal, State, and local agencies, pro-  
14 mulgate programmatic regulations to ensure  
15 that the goals and purposes of the Plan are  
16 achieved.

17 (B) CONCURRENCY STATEMENT.—The  
18 Secretary of the Interior and the Governor  
19 shall, not later than 180 days from the end of  
20 the public comment period on proposed pro-  
21 grammatic regulations, provide the Secretary  
22 with a written statement of concurrence or non-  
23 concurrence. A failure to provide a written  
24 statement of concurrence or nonconcurrence  
25 within such time frame will be deemed as meet-

1           ing the concurrency requirements of subpara-  
2           graph (A)(i). A copy of any concurrency or non-  
3           concurrency statements shall be made a part of  
4           the administrative record and referenced in the  
5           final programmatic regulations. Any noncon-  
6           currency statement shall specifically detail the  
7           reason or reasons for the nonconcurrency.

8           (C) CONTENT OF REGULATIONS.—

9           (i) IN GENERAL.—Programmatic reg-  
10          ulations promulgated under this paragraph  
11          shall establish a process—

12               (I) for the development of project  
13               implementation reports, project co-  
14               operation agreements, and operating  
15               manuals that ensure that the goals  
16               and objectives of the Plan are  
17               achieved;

18               (II) to ensure that new informa-  
19               tion resulting from changed or unfore-  
20               seen circumstances, new scientific or  
21               technical information or information  
22               that is developed through the prin-  
23               ciples of adaptive management con-  
24               tained in the Plan, or future author-  
25               ized changes to the Plan are inte-

1                   grated into the implementation of the  
2                   Plan; and

3                   (III) to ensure the protection of  
4                   the natural system consistent with the  
5                   goals and purposes of the Plan, in-  
6                   cluding the establishment of interim  
7                   goals to provide a means by which the  
8                   restoration success of the Plan may be  
9                   evaluated throughout the implementa-  
10                  tion process.

11                  (ii) LIMITATION ON APPLICABILITY OF  
12                  PROGRAMMATIC           REGULATIONS.—Pro-  
13                  grammatic regulations promulgated under  
14                  this paragraph shall expressly prohibit the  
15                  requirement for concurrence by the Sec-  
16                  retary of the Interior or the Governor on  
17                  project implementation reports, project co-  
18                  operation agreements, operating manuals  
19                  for individual projects undertaken in the  
20                  Plan, and any other documents relating to  
21                  the development, implementation, and  
22                  management of individual features of the  
23                  Plan, unless such concurrence is provided  
24                  for in other Federal or State laws.

25                  (D) SCHEDULE AND TRANSITION RULE.—

1 (i) IN GENERAL.—All project imple-  
2 mentation reports approved before the date  
3 of promulgation of the programmatic regu-  
4 lations shall be consistent with the Plan.

5 (ii) PREAMBLE.—The preamble of the  
6 programmatic regulations shall include a  
7 statement concerning the consistency with  
8 the programmatic regulations of any  
9 project implementation reports that were  
10 approved before the date of promulgation  
11 of the regulations.

12 (E) REVIEW OF PROGRAMMATIC REGULA-  
13 TIONS.—Whenever necessary to attain Plan  
14 goals and purposes, but not less often than  
15 every 5 years, the Secretary, in accordance with  
16 subparagraph (A), shall review the pro-  
17 grammatic regulations promulgated under this  
18 paragraph.

19 (4) PROJECT-SPECIFIC ASSURANCES.—

20 (A) PROJECT IMPLEMENTATION RE-  
21 PORTS.—

22 (i) IN GENERAL.—The Secretary and  
23 the non-Federal sponsor shall develop  
24 project implementation reports in accord-  
25 ance with section 10.3.1 of the Plan.



1 (ii) COORDINATION.—In developing a  
2 project implementation report, the Sec-  
3 retary and the non-Federal sponsor shall  
4 coordinate with appropriate Federal, State,  
5 tribal, and local governments.

6 (iii) REQUIREMENTS.—A project im-  
7 plementation report shall—

8 (I) be consistent with the Plan  
9 and the programmatic regulations  
10 promulgated under paragraph (3);

11 (II) describe how each of the re-  
12 quirements stated in paragraph  
13 (3)(B) is satisfied;

14 (III) comply with the National  
15 Environmental Policy Act of 1969 (42  
16 U.S.C. 4321 et seq.);

17 (IV) identify the appropriate  
18 quantity, timing, and distribution of  
19 water dedicated and managed for the  
20 natural system;

21 (V) identify the amount of water  
22 to be reserved or allocated for the nat-  
23 ural system necessary to implement,  
24 under State law, subclauses (IV) and  
25 (VI);

1 (VI) comply with applicable  
2 water quality standards and applicable  
3 water quality permitting requirements  
4 under subsection (b)(2)(A)(ii);

5 (VII) be based on the best avail-  
6 able science; and

7 (VIII) include an analysis con-  
8 cerning the cost-effectiveness and en-  
9 gineering feasibility of the project.

10 (B) PROJECT COOPERATION AGREE-  
11 MENTS.—

12 (i) IN GENERAL.—The Secretary and  
13 the non-Federal sponsor shall execute  
14 project cooperation agreements in accord-  
15 ance with section 10 of the Plan.

16 (ii) CONDITION.—The Secretary shall  
17 not execute a project cooperation agree-  
18 ment until any reservation or allocation of  
19 water for the natural system identified in  
20 the project implementation report is exe-  
21 cuted under State law.

22 (C) OPERATING MANUALS.—

23 (i) IN GENERAL.—The Secretary and  
24 the non-Federal sponsor shall develop and  
25 issue, for each project or group of projects,

1 an operating manual that is consistent  
2 with the water reservation or allocation for  
3 the natural system described in the project  
4 implementation report and the project co-  
5 operation agreement for the project or  
6 group of projects.

7 (ii) MODIFICATIONS.—Any significant  
8 modification by the Secretary and the non-  
9 Federal sponsor to an operating manual  
10 after the operating manual is issued shall  
11 only be carried out subject to notice and  
12 opportunity for public comment.

13 (5) SAVINGS CLAUSE.—

14 (A) NO ELIMINATION OR TRANSFER.—  
15 Until a new source of water supply of com-  
16 parable quantity and quality as that available  
17 on the date of enactment of this Act is available  
18 to replace the water to be lost as a result of im-  
19 plementation of the Plan, the Secretary and the  
20 non-Federal sponsor shall not eliminate or  
21 transfer existing legal sources of water, includ-  
22 ing those for—

23 (i) an agricultural or urban water  
24 supply;

1 (ii) allocation or entitlement to the  
2 Seminole Indian Tribe of Florida under  
3 section 7 of the Seminole Indian Land  
4 Claims Settlement Act of 1987 (25 U.S.C.  
5 1772e);

6 (iii) the Miccosukee Tribe of Indians  
7 of Florida;

8 (iv) water supply for Everglades Na-  
9 tional Park; or

10 (v) water supply for fish and wildlife.

11 (B) MAINTENANCE OF FLOOD PROTEC-  
12 TION.—Implementation of the Plan shall not re-  
13 duce levels of service for flood protection that  
14 are—

15 (i) in existence on the date of enact-  
16 ment of this Act; and

17 (ii) in accordance with applicable law.

18 (C) NO EFFECT ON TRIBAL COMPACT.—  
19 Nothing in this section amends, alters, pre-  
20 vents, or otherwise abrogates rights of the Sem-  
21 inole Indian Tribe of Florida under the compact  
22 among the Seminole Tribe of Florida, the State,  
23 and the South Florida Water Management Dis-  
24 trict, defining the scope and use of water rights  
25 of the Seminole Tribe of Florida, as codified by

1 section 7 of the Seminole Indian Land Claims  
2 Settlement Act of 1987 (25 U.S.C. 1772e).

3 (i) DISPUTE RESOLUTION.—

4 (1) IN GENERAL.—The Secretary and the Gov-  
5 ernor shall within 180 days from the date of enact-  
6 ment of this Act develop an agreement for resolving  
7 disputes between the Corps of Engineers and the  
8 State associated with the implementation of the  
9 Plan. Such agreement shall establish a mechanism  
10 for the timely and efficient resolution of disputes,  
11 including—

12 (A) a preference for the resolution of dis-  
13 putes between the Jacksonville District of the  
14 Corps of Engineers and the South Florida  
15 Water Management District;

16 (B) a mechanism for the Jacksonville Dis-  
17 trict of the Corps of Engineers or the South  
18 Florida Water Management District to initiate  
19 the dispute resolution process for unresolved  
20 issues;

21 (C) the establishment of appropriate time-  
22 frames and intermediate steps for the elevation  
23 of disputes to the Governor and the Secretary;  
24 and

1 (D) a mechanism for the final resolution of  
2 disputes, within 180 days from the date that  
3 the dispute resolution process is initiated under  
4 subparagraph (B).

5 (2) CONDITION FOR REPORT APPROVAL.—The  
6 Secretary shall not approve a project implementation  
7 report under this section until the agreement estab-  
8 lished under this subsection has been executed.

9 (3) NO EFFECT ON LAW.—Nothing in the  
10 agreement established under this subsection shall  
11 alter or amend any existing Federal or State law, or  
12 the responsibility of any party to the agreement to  
13 comply with any Federal or State law.

14 (j) INDEPENDENT SCIENTIFIC REVIEW.—

15 (1) IN GENERAL.—The Secretary, the Secretary  
16 of the Interior, and the Governor, in consultation  
17 with the South Florida Ecosystem Restoration Task  
18 Force, shall establish an independent scientific re-  
19 view panel convened by a body, such as the National  
20 Academy of Sciences, to review the Plan's progress  
21 toward achieving the natural system restoration  
22 goals of the Plan.

23 (2) REPORT.—The panel described in para-  
24 graph (1) shall produce a biennial report to Con-  
25 gress, the Secretary, the Secretary of the Interior,

1       and the Governor that includes an assessment of ec-  
2       ological indicators and other measures of progress in  
3       restoring the ecology of the natural system, based on  
4       the Plan.

5       (k) OUTREACH AND ASSISTANCE.—

6           (1) SMALL BUSINESS CONCERNS OWNED AND  
7       OPERATED BY SOCIALLY AND ECONOMICALLY DIS-  
8       ADVANTAGED INDIVIDUALS.—In executing the Plan,  
9       the Secretary shall ensure that small business con-  
10      cerns owned and controlled by socially and economi-  
11      cally disadvantaged individuals are provided oppor-  
12      tunities to participate under section 15(g) of the  
13      Small Business Act (15 U.S.C. 644(g)).

14      (2) COMMUNITY OUTREACH AND EDUCATION.—

15           (A) IN GENERAL.—The Secretary shall en-  
16      sure that impacts on socially and economically  
17      disadvantaged individuals, including individuals  
18      with limited English proficiency, and commu-  
19      nities are considered during implementation of  
20      the Plan, and that such individuals have oppor-  
21      tunities to review and comment on its imple-  
22      mentation.

23           (B) PROVISION OF OPPORTUNITIES.—The  
24      Secretary shall ensure, to the maximum extent  
25      practicable, that public outreach and edu-

1           cational opportunities are provided, during im-  
2           plementation of the Plan, to the individuals of  
3           South Florida, including individuals with lim-  
4           ited English proficiency, and in particular for  
5           socially and economically disadvantaged com-  
6           munities.

7           (1) REPORT TO CONGRESS.—Beginning on October 1,  
8   2005, and periodically thereafter until October 1, 2036,  
9   the Secretary and the Secretary of the Interior, in con-  
10 sultation with the Environmental Protection Agency, the  
11 Department of Commerce, and the State of Florida, shall  
12 jointly submit to Congress a report on the implementation  
13 of the Plan. Such reports shall be completed not less often  
14 than every 5 years. Such reports shall include a descrip-  
15 tion of planning, design, and construction work completed,  
16 the amount of funds expended during the period covered  
17 by the report (including a detailed analysis of the funds  
18 expended for adaptive assessment under subsection  
19 (b)(2)(C)(xi)), and the work anticipated over the next 5-  
20 year period. In addition, each report shall include—

21           (1) the determination of each Secretary, and  
22           the Administrator of the Environmental Protection  
23           Agency, concerning the benefits to the natural sys-  
24           tem and the human environment achieved as of the  
25           date of the report and whether the completed



1 projects of the Plan are being operated in a manner  
2 that is consistent with the requirements of sub-  
3 section (h);

4 (2) progress toward interim goals established in  
5 accordance with subsection (h)(3)(B); and

6 (3) a review of the activities performed by the  
7 Secretary under subsection (k) as they relate to so-  
8 cially and economically disadvantaged individuals  
9 and individuals with limited English proficiency.

10 (m) REPORT ON AQUIFER STORAGE AND RECOVERY  
11 PROJECT.—Not later than 180 after the date of enact-  
12 ment of this Act, the Secretary shall transmit to Congress  
13 a report containing a determination as to whether the on-  
14 going Biscayne Aquifer Storage and Recovery Program lo-  
15 cated in Miami-Dade County has a substantial benefit to  
16 the restoration, preservation, and protection of the South  
17 Florida ecosystem.

18 (n) FULL DISCLOSURE OF PROPOSED FUNDING.—

19 (1) FUNDING FROM ALL SOURCES.—The Presi-  
20 dent, as part of the annual budget of the United  
21 States Government, shall display under the heading  
22 “Everglades Restoration” all proposed funding for  
23 the Plan for all agency programs.

24 (2) FUNDING FROM CORPS OF ENGINEERS  
25 CIVIL WORKS PROGRAM.—The President, as part of

1 the annual budget of the United States Government,  
2 shall display under the accounts “Construction, Gen-  
3 eral” and “Operation and Maintenance, General” of  
4 the title “Department of Defense—Civil, Depart-  
5 ment of the Army, Corps of Engineers—Civil”, the  
6 total proposed funding level for each account for the  
7 Plan and the percentage such level represents of the  
8 overall levels in such accounts. The President shall  
9 also include an assessment of the impact such fund-  
10 ing levels for the Plan would have on the budget  
11 year and long-term funding levels for the overall  
12 Corps of Engineers civil works program.

13 (o) SURPLUS FEDERAL LANDS.—Section  
14 390(f)(2)(A)(i) of the Federal Agriculture Improvement  
15 and Reform Act of 1996 (110 Stat. 1023) is amended by  
16 inserting after “on or after the date of enactment of this  
17 Act” the following: “and before the date of enactment of  
18 the Water Resource Development Act of 2000”.

19 (p) SEVERABILITY.—If any provision or remedy pro-  
20 vided by this section is found to be unconstitutional or  
21 unenforceable by any court of competent jurisdiction, any  
22 remaining provisions in this section shall remain valid and  
23 enforceable.

1   **SEC. 602. SENSE OF CONGRESS CONCERNING HOMESTEAD**

2                   **AIR FORCE BASE.**

3           (a) FINDINGS.—Congress finds that—

4               (1) the Everglades is an American treasure and  
5               includes uniquely-important and diverse wildlife re-  
6               sources and recreational opportunities;

7               (2) the preservation of the pristine and natural  
8               character of the South Florida ecosystem is critical  
9               to the regional economy;

10              (3) as this legislation demonstrates, Congress  
11              believes it to be a vital national mission to restore  
12              and preserve this ecosystem and accordingly is au-  
13              thorizing a significant Federal investment to do so;

14              (4) Congress seeks to have the remaining prop-  
15              erty at the former Homestead Air Base conveyed  
16              and reused as expeditiously as possible, and several  
17              options for base reuse are being considered, includ-  
18              ing as a commercial airport; and

19              (5) Congress is aware that the Homestead site  
20              is located in a sensitive environmental location, and  
21              that Biscayne National Park is only approximately  
22              1.5 miles to the east, Everglades National Park ap-  
23              proximately 8 miles to the west, and the Florida  
24              Keys National Marine Sanctuary approximately 10  
25              miles to the south.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-  
2 gress that—

3 (1) development at the Homestead site could  
4 potentially cause significant air, water, and noise  
5 pollution and result in the degradation of adjacent  
6 national parks and other protected Federal re-  
7 sources;

8 (2) in their decisionmaking, the Federal agen-  
9 cies charged with determining the reuse of the re-  
10 maining property at the Homestead base should  
11 carefully consider and weigh all available informa-  
12 tion concerning potential environmental impacts of  
13 various reuse options;

14 (3) the redevelopment of the former base should  
15 be consistent with restoration goals, provide desir-  
16 able numbers of jobs and economic redevelopment  
17 for the community, and be consistent with other ap-  
18 plicable laws;

19 (4) consistent with applicable laws, the Sec-  
20 retary of the Air Force should proceed as quickly as  
21 practicable to issue a final SEIS and Record of De-  
22 cision so that reuse of the former air base can pro-  
23 ceed expeditiously;

24 (5) following conveyance of the remaining sur-  
25 plus property, the Secretary, as part of his oversight

1 for Everglades restoration, should cooperate with the  
2 entities to which the various parcels of surplus prop-  
3 erty were conveyed so that the planned use of those  
4 properties is implemented in such a manner as to re-  
5 main consistent with the goals of the Everglades res-  
6 toration plan; and

7 (6) by August 1, 2002, the Secretary should  
8 submit a report to the appropriate committees of  
9 Congress on actions taken and make any rec-  
10 ommendations for consideration by Congress.

## 11 **TITLE VII—MISSOURI RIVER** 12 **RESTORATION**

### 13 **SEC. 701. DEFINITIONS.**

14 In this title, the following definitions apply:

15 (1) PICK-SLOAN PROGRAM.—The term “Pick-  
16 Sloan program” means the Pick-Sloan Missouri  
17 River Basin Program authorized by section 9 of the  
18 Act of December 22, 1944 (58 Stat. 891).

19 (2) PLAN.—The term “plan” means the plan  
20 for the use of funds made available by this title that  
21 is required to be prepared under section 705(e).

22 (3) STATE.—The term “State” means the State  
23 of South Dakota.

1           (4) TASK FORCE.—The term “Task Force”  
2       means the Missouri River Task Force established by  
3       section 705(a).

4           (6) TRUST.—The term “Trust” means the Mis-  
5       souri River Trust established by section 704(a).

6   **SEC. 702. MISSOURI RIVER TRUST.**

7       (a) ESTABLISHMENT.—There is established a com-  
8       mittee to be known as the Missouri River Trust.

9       (b) MEMBERSHIP.—The Trust shall be composed of  
10     25 members to be appointed by the Secretary, including—

11           (1) 15 members recommended by the Governor  
12     of South Dakota that—

13               (A) represent equally the various interests  
14     of the public; and

15               (B) include representatives of—

16                     (i) the South Dakota Department of  
17     Environment and Natural Resources;

18                     (ii) the South Dakota Department of  
19     Game, Fish, and Parks;

20                     (iii) environmental groups;

21                     (iv) the hydroelectric power industry;

22                     (v) local governments;

23                     (vi) recreation user groups;

24                     (vii) agricultural groups; and

25                     (viii) other appropriate interests;

1           (2) 9 members, 1 of each of whom shall be rec-  
2           ommended by each of the 9 Indian tribes in the  
3           State of South Dakota; and

4           (3) 1 member recommended by the organization  
5           known as the “Three Affiliated Tribes of North Da-  
6           kota” (composed of the Mandan, Hidatsa, and  
7           Arikara tribes).

8   **SEC. 703. MISSOURI RIVER TASK FORCE.**

9           (a) ESTABLISHMENT.—There is established the Mis-  
10          souri River Task Force.

11          (b) MEMBERSHIP.—The Task Force shall be com-  
12          posed of—

13               (1) the Secretary (or a designee), who shall  
14          serve as Chairperson;

15               (2) the Secretary of Agriculture (or a designee);

16               (3) the Secretary of Energy (or a designee);

17               (4) the Secretary of the Interior (or a des-  
18          ignee); and

19               (5) the Trust.

20          (c) DUTIES.—The Task Force shall—

21               (1) meet at least twice each year;

22               (2) vote on approval of the plan, with approval  
23          requiring votes in favor of the plan by a majority of  
24          the members;

1           (3) review projects to meet the goals of the  
2       plan; and

3           (4) recommend to the Secretary critical projects  
4       for implementation.

5       (d) ASSESSMENT.—

6           (1) IN GENERAL.—Not later than 1 year after  
7       the date on which funding authorized under this title  
8       becomes available, the Secretary shall submit to the  
9       other members of the Task Force a report on—

10           (A) the impact of the siltation of the Mis-  
11       souri River in the State, including the impact  
12       on the Federal, State, and regional economies,  
13       recreation, hydropower generation, fish and  
14       wildlife, and flood control;

15           (B) the status of Indian and non-Indian  
16       historical and cultural sites along the Missouri  
17       River;

18           (C) the extent of erosion along the Mis-  
19       souri River (including tributaries of the Mis-  
20       souri River) in the State; and

21           (D) other issues, as requested by the Task  
22       Force.

23           (2) CONSULTATION.—In preparing the report  
24       under paragraph (1), the Secretary shall consult  
25       with the Secretary of Energy, the Secretary of the



1 Interior, the Secretary of Agriculture, the State, and  
2 Indian tribes in the State.

3 (e) PLAN FOR USE OF FUNDS MADE AVAILABLE BY  
4 THIS TITLE.—

5 (1) IN GENERAL.—Not later than 2 years after  
6 the date on which funding authorized under this title  
7 becomes available, the Task Force shall prepare a  
8 plan for the use of funds made available under this  
9 title.

10 (2) CONTENTS OF PLAN.—The plan shall pro-  
11 vide for the manner in which the Task Force shall  
12 develop and recommend critical restoration projects  
13 to promote—

14 (A) conservation practices in the Missouri  
15 River watershed;

16 (B) the general control and removal of  
17 sediment from the Missouri River;

18 (C) the protection of recreation on the  
19 Missouri River from sedimentation;

20 (D) the protection of Indian and non-In-  
21 dian historical and cultural sites along the Mis-  
22 souri River from erosion;

23 (E) erosion control along the Missouri  
24 River; or

1 (F) any combination of the activities de-  
2 scribed in subparagraphs (A) through (E).

3 (3) PLAN REVIEW AND REVISION.—

4 (A) IN GENERAL.—The Task Force shall  
5 make a copy of the plan available for public re-  
6 view and comment before the plan becomes  
7 final, in accordance with procedures established  
8 by the Task Force.

9 (B) REVISION OF PLAN.—

10 (i) IN GENERAL.—The Task Force  
11 may, on an annual basis, revise the plan.

12 (ii) PUBLIC REVIEW AND COMMENT.—

13 In revising the plan, the Task Force shall  
14 provide the public the opportunity to re-  
15 view and comment on any proposed revi-  
16 sion to the plan.

17 (f) CRITICAL RESTORATION PROJECTS.—

18 (1) IN GENERAL.—After the plan is approved  
19 by the Task Force under subsection (c)(2), the Sec-  
20 retary, in coordination with the Task Force, shall  
21 identify critical restoration projects to carry out the  
22 plan.

23 (2) AGREEMENT.—The Secretary may carry  
24 out a critical restoration project after entering into  
25 an agreement with an appropriate non-Federal inter-

1 est in accordance with section 221 of the Flood Con-  
2 trol Act of 1970 (42 U.S.C. 1962d-5b).

3 (3) INDIAN PROJECTS.—To the maximum ex-  
4 tent practicable, the Secretary shall ensure that not  
5 less than 30 percent of the funds made available for  
6 critical restoration projects under this title shall be  
7 used exclusively for projects that are—

8 (A) within the boundary of an Indian res-  
9 ervation; or

10 (B) administered by an Indian tribe.

11 (g) COST SHARING.—

12 (1) ASSESSMENT.—

13 (A) FEDERAL SHARE.—The Federal share  
14 of the cost of carrying out the assessment  
15 under subsection (d) shall be 50 percent.

16 (B) NON-FEDERAL SHARE.—The non-Fed-  
17 eral share of the cost of carrying out the assess-  
18 ment under subsection (d) may be provided in  
19 the form of services, materials, or other in-kind  
20 contributions.

21 (2) PLAN.—

22 (A) FEDERAL SHARE.—The Federal share  
23 of the cost of preparing the plan under sub-  
24 section (e) shall be 50 percent.

1 (B) NON-FEDERAL SHARE.—Not more  
2 than 50 percent of the non-Federal share of the  
3 cost of preparing the plan under subsection (e)  
4 may be provided in the form of services, mate-  
5 rials, or other in-kind contributions.

6 (3) CRITICAL RESTORATION PROJECTS.—

7 (A) IN GENERAL.—A non-Federal cost  
8 share shall be required to carry out any critical  
9 restoration project under subsection (f) that  
10 does not primarily benefit the Federal Govern-  
11 ment, as determined by the Task Force.

12 (B) FEDERAL SHARE.—The Federal share  
13 of the cost of carrying out a critical restoration  
14 project under subsection (f) for which the Task  
15 Force requires a non-Federal cost share under  
16 subparagraph (A) shall be 65 percent, not to  
17 exceed \$5,000,000 for any critical restoration  
18 project.

19 (C) NON-FEDERAL SHARE.—

20 (i) IN GENERAL.—Not more than 50  
21 percent of the non-Federal share of the  
22 cost of carrying out a critical restoration  
23 project described in subparagraph (B) may  
24 be provided in the form of services, mate-  
25 rials, or other in-kind contributions.

1 (ii) REQUIRED NON-FEDERAL CON-  
2 TRIBUTIONS.—For any critical restoration  
3 project described in subparagraph (B), the  
4 non-Federal interest shall—

5 (I) provide all land, easements,  
6 rights-of-way, dredged material dis-  
7 posal areas, and relocations;

8 (II) pay all operation, mainte-  
9 nance, replacement, repair, and reha-  
10 bilitation costs; and

11 (III) hold the United States  
12 harmless from all claims arising from  
13 the construction, operation, and main-  
14 tenance of the project.

15 (iii) CREDIT.—The non-Federal inter-  
16 est shall receive credit for all contributions  
17 provided under clause (ii)(I).

18 **SEC. 704. ADMINISTRATION.**

19 (a) IN GENERAL.—Nothing in this title diminishes  
20 or affects—

21 (1) any water right of an Indian tribe;

22 (2) any other right of an Indian tribe, except as  
23 specifically provided in another provision of this  
24 title;

1           (3) any treaty right that is in effect on the date  
2           of enactment of this Act;

3           (4) any external boundary of an Indian reserva-  
4           tion of an Indian tribe;

5           (5) any authority of the State that relates to  
6           the protection, regulation, or management of fish,  
7           terrestrial wildlife, and cultural and archaeological  
8           resources, except as specifically provided in this title;  
9           or

10          (6) any authority of the Secretary, the Sec-  
11          retary of the Interior, or the head of any other Fed-  
12          eral agency under a law in effect on the date of en-  
13          actment of this Act, including—

14                (A) the National Historic Preservation Act  
15                (16 U.S.C. 470 et seq.);

16                (B) the Archaeological Resources Protec-  
17                tion Act of 1979 (16 U.S.C. 470aa et seq.);

18                (C) the Fish and Wildlife Coordination Act  
19                (16 U.S.C. 661 et seq.);

20                (D) the Act entitled “An Act for the pro-  
21                tection of the bald eagle”, approved June 8,  
22                1940 (16 U.S.C. 668 et seq.);

23                (E) the Migratory Bird Treaty Act (16  
24                U.S.C. 703 et seq.);

1 (F) the Endangered Species Act of 1973  
2 (16 U.S.C. 1531 et seq.);

3 (G) the Native American Graves Protec-  
4 tion and Repatriation Act (25 U.S.C. 3001 et  
5 seq.);

6 (H) the Federal Water Pollution Control  
7 Act (33 U.S.C. 1251 et seq.);

8 (I) the Safe Drinking Water Act (42  
9 U.S.C. 300f et seq.); and

10 (J) the National Environmental Policy Act  
11 of 1969 (42 U.S.C. 4321 et seq.).

12 (b) FEDERAL LIABILITY FOR DAMAGE.—Nothing in  
13 this title relieves the Federal Government of liability for  
14 damage to private property caused by the operation of the  
15 Pick-Sloan program.

16 (c) FLOOD CONTROL.—Notwithstanding any other  
17 provision of this title, the Secretary shall retain the au-  
18 thority to operate the Pick-Sloan program for the pur-  
19 poses of meeting the requirements of the Act of December  
20 22, 1944 (58 Stat. 887, 33 U.S.C. 701–1 et seq.).

21 **SEC. 705. AUTHORIZATION OF APPROPRIATIONS.**

22 There is authorized to be appropriated to the Sec-  
23 retary to carry out this title \$4,000,000 for each of fiscal  
24 years 2001 through 2005, \$5,000,000 for each of fiscal

1 years 2006 through 2009, and \$10,000,000 in fiscal year  
2 2010. Such funds shall remain available until expended.